CJ Roundtable: The top enviro issues in '04

california JOURNAL

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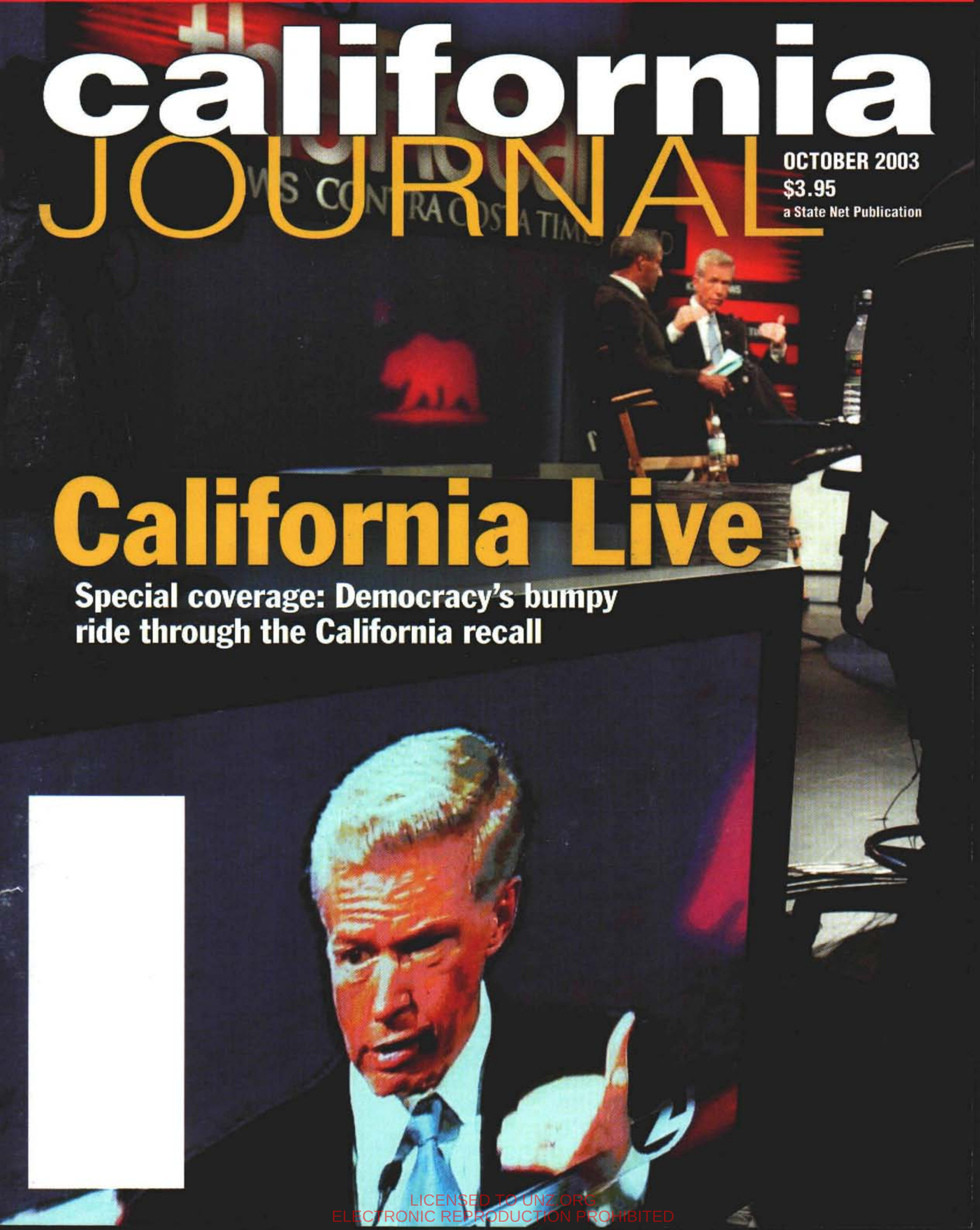

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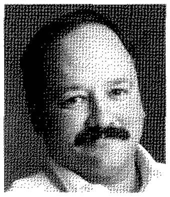
from the editor

The works

As we explore new ownership and growth opportunities for *California Journal,* which was announced in our September issue, we've frequently considered the magazine's 34-year-old mission: "to contribute to a broader awareness of the workings of state government." For this issue, we used a special format to explore state government by staging a roundtable discussion with key officials involved on issues of the environment. We want to thank those who participated in the roundtable and those who helped prepare it. Our lively and thoughtful discussion could easily have lasted all day. But in the course of a two-hour meeting, we covered a range of environmental priorities that go well beyond media headlines. And we had a good look at "the workings of state government."

David Lesher



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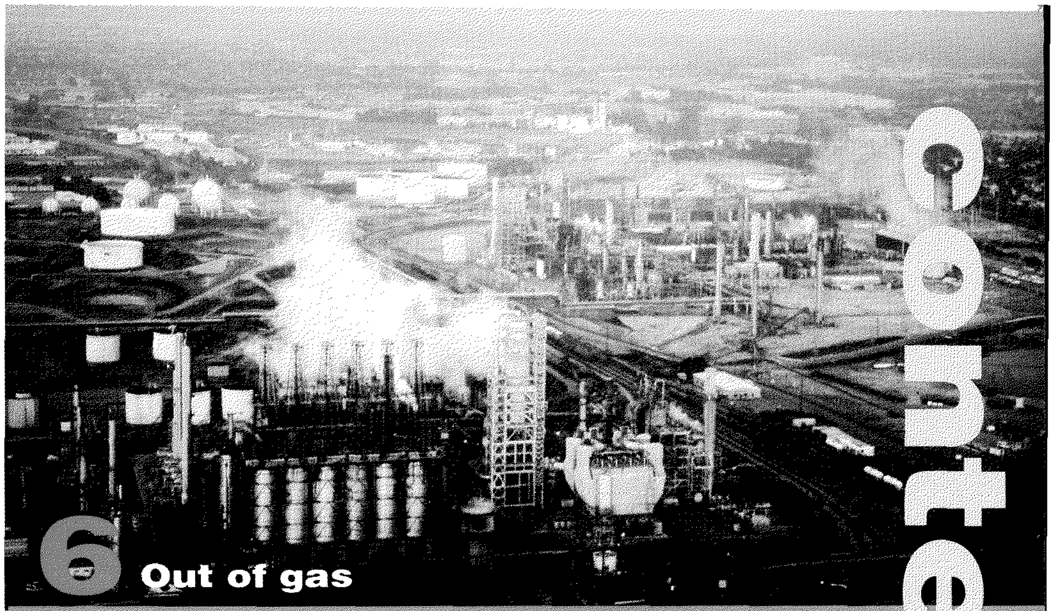
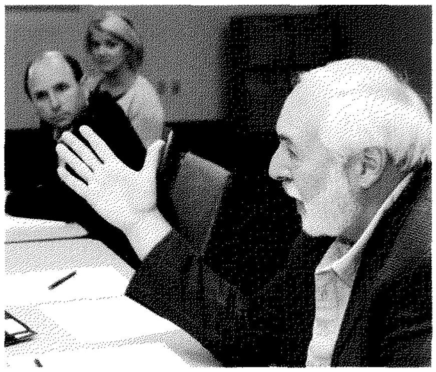


6 Out of gas

As California's population grows, the demand for fuel grows with it. It's a fact that's bringing arguments over fuel prices, environmental standards and public policy to a head.
By William J. Kelly



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California's environmental policy-makers talk with *California Journal* editors about the state of our environment and what the major issues will be in the future.

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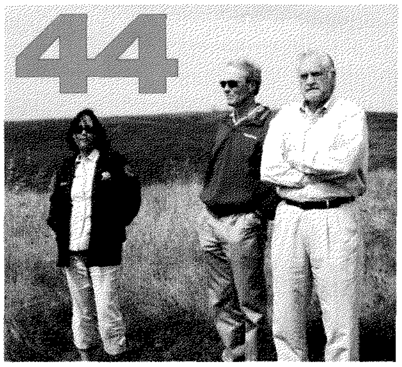

Clint Eastwood is just your average California state parks commissioner. He's a California native, concerned about the environment and, oh yeah, Hollywood royalty.
By Claudia Buck

Cover photo: Gray Davis on the television monitor with moderator Dennis Richmond while taping the recall debate, Walnut Creek, 9/4/03. Reuters: Paul Sakuma.

umbrage

With a thud. The Legislature in September ended its work for 2003 with an acrimonious 17-hour marathon session that stretched well into the early morning of the next day. One of the bigger themes of the evening was the Assembly Republicans' bitterness over Senate President pro Tem John Burton's refusal to act on $300 million in spending that some Republicans had negotiated in exchange for their votes on the budget in July. Smarting from what they considered a broken promise, Republicans refused to help Democrats pass bills that required two-thirds vote. That changed when Assm. Joe Simitian (D-Palo Alto) offered a measure to expedite the state's payment to an East Palo Alto man who was wrongfully jailed for 12 years — and subsequently released — for killing his former girlfriend. After a passionate speech by Simitian and one failed roll call that only landed two Republican votes, 13 Republicans switched and joined with Democrats to allocate the money. The big vote of the night that never happened was over who would be the next speaker of the Assembly. It was whispered that Jenny Oropeza (D-Long Beach) was collecting pledges for a possible bid for the top spot, but a vote never happened.

Open kimono. For years, the University of California has invested pension-fund money in both private and public markets. The university has done pretty well with public stocks — an 8.3 percent annual return over 10 years — and extremely well with its private investment into venture capital funds. Over the 10 years that the University of California put $650 million in venture funds — years in which venture investment in technology companies skyrocketed — its return has totaled $2.2 billion. That gain may come to a screeching halt because a lawsuit filed by the Coalition of University Employees and the *San Jose Mercury News* that seeks to open each investment into venture firms, and the rate of return, to public scrutiny. Currently, the university only releases an aggregate figure but the suit argues that as a public institution, the information should be public. The problem? The venture firms say they'll kick the school pension money out of their funds because if the rate of return is public, it will be easier to value the private companies in which they invest, which is a closely guarded secret among venture capitalists. In July, a superior court ruled that the UC system would have to open its investments to the public but the decision is being appealed.

California as battleground

Reuters

Some environmental and animal rights activists in California are changing their tactics from peaceful protest to violent resistance. This summer has seen a surge violent acts committed by activists, and federal authorities that investigate terrorist groups are noticing. Among the incidents: The torching of an apartment building under construction in San Diego by an environmental group; the flooding of a store in Sonoma that specializes in foie gras, which is made in a controversial manner; the defacing and burning of more than 100 SUVs and Hummers at an auto dealership in West Covina; and the bombing of an Emeryville bioresearch firm by an animal rights group. For authorities, the bombing of Emeryville-based Chiron was particularly notable because it marks the first time in years that activists have used explosives to get their point across. An unknown group called the "Revolutionary Cells" took responsibility for the two explosions by pipe bombs at Chiron's offices.

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52 Pickup:

The recall is in the cards

HASTA LA VISTA, DAVIS!

Never mind all the cable TV coverage of the recall campaign or the fact that at times our own lil' brouhaha has pushed even the war in Iraq off the front page the sign that the recall is at the center of the zeitgeist has finally arrived. A Florida man is selling a "Total Recall" deck of playing cards featuring 52 candidates running for California governor. The deck of cards can be purchased at CaliforniaTotalRecall.com and at California 7-Elevens. Actor Arnold Schwarzenegger, of course, gets the star billing as the ace of spades, but there are also cards featuring *Hustler* Publisher Larry Flynt (two of diamonds), actor Gary Coleman (two of spades) and Lt. Gov. Cruz Bustamante (ace of clubs). The message to Gov. Gray Davis? You got to know when to hold 'em, and know when to fold 'em.

For Mayor:

Baghdad by the bay

care
CARE NOT CASH IS THE VOTERS CHOICE

Gavin Newsom at "Care not Cash" rally.

It wouldn't be a San Francisco mayoral election if it didn't look, well, a little different. And this one — in November — is shaping up to be stranger than most. At stake is who will replace termed-out Mayor Willie Brown. The clear frontrunner and chosen candidate of the San Francisco Democratic establishment — U.S. Sen. Dianne Feinstein, Brown, Sen. pro Tem John Burton and other heavyweights — is Supervisor Gavin Newsom. But running to his left is a cast of characters that includes Supervisor Tom Ammiano, City Treasurer Susan Leal, former supervisor Angela Alioto and Green Party golden boy — and Board of Supervisors president — Matt Gonzalez. The biggest issue of the campaign has been Newsom's "Care not Cash" homeless measure that passed last year. The proposal, which is tied up in the courts, would exchange shelter, food and other services for cash grants to the homeless, long a hot-button issue in the city by the Bay. The Wild Card is election mechanics: San Francisco voters were to experiment with a new voting system this year — in March 2002 they voted to implement instant runoff voting, which allows voters to rank candidates in the order of their preference and, in the event no one gets 50 percent of the vote, electronically tabulates the winner by counting the total votes. Apparently, the machines that would do the counting aren't ready so the plan was scrapped in favor of the traditional SF way — an initial election in November, and if no one gets 50 percent, another one between the top two vote-getters in December. So far the polls say no one is getting a majority of support, so hang on to your hats.

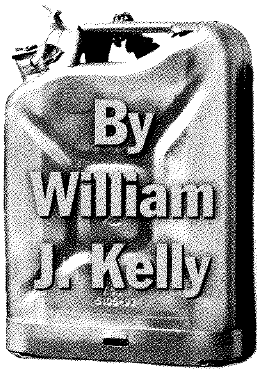
Matt Gonzalez

Quotables.....

"Idiots. What are you going to do? ... That's why they're in the minority."
— Senate President pro Tem John Burton on the Assembly Republicans during the last day of the 2003 session

FOSSILIZING THE ENERGY DEBATE

Growth means increased demands for energy, but environmentalists and the energy industry disagree on how to cope with that demand. Environmentalists argue that renewable sources such as solar and wind power will allow California to be more self-sufficient and less reliant on fossil fuels. The oil and gas industry responds that more investment and less regulation will allow them to increase their output of natural gas and petroleum.



By William J. Kelly

When his Chevrolet Silverado pickup truck is empty or it's time to cook dinner, Brian Woodhouse takes it for granted that gasoline will be at the corner service station and the stove burner will light with a turn of the dial. Like many Californians, the West Covina resident believes that oil and gas should be available at a low cost and that any significant price increase may indicate that giant energy companies are price-gouging Californians.

"They're manipulating the prices. I think most people feel that way," said Woodhouse, who had just paid $60 to fill up his 26-gallon gas tank over Labor Day weekend. He also noticed last winter that the gas bills for heating were higher than in the past.

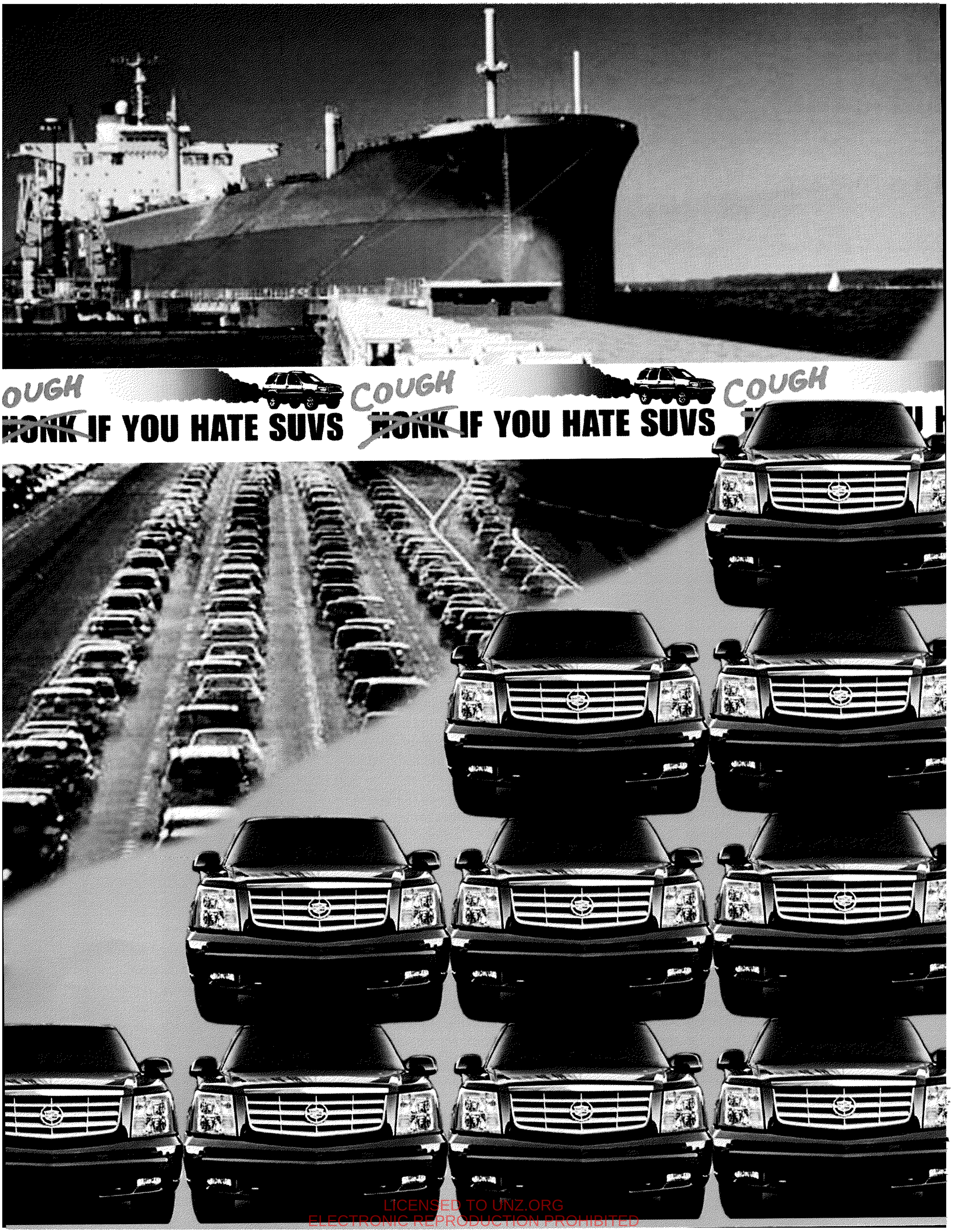
Regulators are sensitive to the concerns of people like Woodhouse. Witness the federal Department of Energy's launch of an investigation into the gasoline price spikes of this past summer and Lieutenant Governor Cruz Bustmante's proposal to regulate the price of gasoline through the Public Utilities Commission. Such moves may play well politically, but unless steps are taken in the years ahead to curb growing demand and develop new supplies, Woodhouse and tens of millions of other Californians may no longer be able to instantly gratify their energy needs, at least not at today's low prices, according to the California Energy Commission.

In a joint report sent to the Legislature this summer, the commission and the state Air Resources Board project that by 2020 demand for gasoline and diesel fuel alone will grow in the Golden State from 16.4 billion gallons a year to 24.2 billion gallons, some 48 percent.

Already the supply of gasoline is tight and as California continues to grow, the demand for gasoline and other petroleum products is likely to outstrip the available supply. Likewise, as the wells that fill the long pipelines that bring natural gas from the interior of the continent to the West Coast are depleted, shortages could occur. This much industry and state energy officials agree on. When it comes to the steps needed to ensure adequate fuel supplies in the future, there is little agreement or love lost.

The energy industry is focused on enhancing the supply of oil and gas by opening more ocean areas and environmentally protected federal lands to exploration and production. Industry executives also stress the need for new port facilities, pipelines and refining capacity to import oil and natural gas to supply the state's growing market. State energy and environmental officials agree that new port facilities and pipelines are needed but ultimately believe that oil and gas demand must be constrained through energy conservation in order to balance future demand with available supply. Moreover, they believe the state must cultivate alternative fuels and renewable energy, looking to the day when production of finite fossil fuels inevitably begins to decline, a time that a growing number of geologists and scientists say already may be upon the world.

While projections of available oil and gas reserves vary, virtually all agree that time is of the essence in moving decisively to ensure an adequate supply of fuel to power the world's fifth largest economy through the 21st century. Without dramatic steps, spot shortages and higher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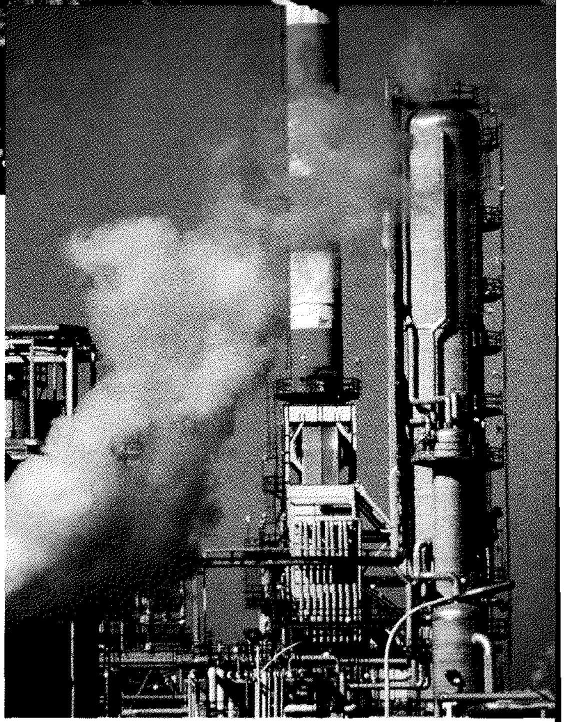

fuel prices are expected to jolt the state in the years ahead.

"We're consuming more natural gas than we're producing [nationally], and you can't make that up with gas from Canada," said Donald Felsinger, group president of Sempra Energy Global Enterprises, which is seeking to import liquefied natural gas from abroad to service its customers in Southern California. "As the nation goes, California also will go."

Rising prices, shrinking supply

The California Energy Commission has projected that the price for natural gas will rise faster than the pace of inflation in the years ahead and that supplies will dwindle in the existing production fields that now provide California fuel to heat homes and buildings and make electric power. Gas producers will have to develop new fields to supply the nation and California. Even then, gas production in the lower 48 states will peak by 2012, according to the commission. Consequently, new pipelines will have to be built to supply California, which does not produce significant amounts of gas and lies at the end of the transportation lines from the Gulf Coast and Rocky Mountain regions. Importing natural gas from abroad in tanker ships in liquefied form may be the lynchpin to a reliable and affordable supply in the future.

"There is liquefied natural gas in California's future," said James Boyd, a member of the California Energy Commission.

The situation is much the same with petroleum-based fuels, as the joint report from the Energy Commission and Air Resources Board indicates. Growth will drive the increase in demand as the number of Californians swells from 33.8 million to a projected 45.5 million and the number of registered vehicles balloons from 24 million to 31.5 million. Meanwhile, the supply of fuel produced by California refineries, which already operate at near capacity, is projected to grow by just a few billion gallons a year, leaving California in the position where it will have to import more finished gasoline. In addition, production of in-state and Alaskan oil is expected to continue to decline so oil companies will have to import more and more crude to keep their California refineries busy. Already, Iraq and Saudi Arabia are the primary sources of imported oil for the state's 21 refineries.

The increasingly tight supply in a state that once exported large quantities of gasoline and diesel fuel to other

Los Angeles area refineries. In an effort to ease the coming shortages of oil, some groups are recommending the permit process for building refineries be relaxed. Photo: courtesy of South Coast Air Quality Management District.

states in the West has made motorists vulnerable to price spikes whenever there is a disruption in the state's oil supply and gasoline refining network. "It's a very tight market, so every time we have a hiccup, we have a price spike," explained Boyd, who headed the report to the Legislature. "The demand curve just keeps going up and up and outstrips California's ability to provide supply."

Accordingly, the agencies recommend that by 2020 California seek to reduce petroleum fuel demand by 15 percent from today's level, then maintain that level of consumption. "The most effective thing in petroleum fuels is just like in other forms of energy: conservation and efficiency," said Boyd.

The agencies reviewed a number of strategies for reducing consumption, choosing the most politically palatable. They recommended asking Congress to double the federal corporate average fuel economy standards for automobiles from around 20 miles a gallon to 40 miles a gallon and pushing in the state for increased use of substitutes, including natural gas, ethanol and hydrogen for fuel-cell-powered vehicles. By 2020, the report sets a goal of fueling 20 percent of the state's transportation with such alternative fuels, rising to 30 percent by 2030. Aside from ethanol- or methanol-based compounds being added to gasoline, today such alternatives provide a miniscule amount of the state's transportation fuel after 30 years of effort to foster them since the energy crises of the 1970s.

"Corporate average fuel economy standards have always been a very bad policy for increasing mileage," said Lynne Kiesling, director of economic policy for the Reason Foundation. In addition, she criticized government subsidies and mandates that have sought to move the public to alternative fuels for their vehicles. "If you try to force it you wind up spending a lot of money and not accomplishing a lot."

Industry views

Instead, Kiesling and other economists believe that increasing gas taxes would be a better way to improve fuel economy. However, the idea of placing new fees or taxes on petroleum products and gas-guzzling vehicles was dropped as the agencies shaped the report, in part in response to opposition from the oil industry.

The initial proposal to raise the gasoline tax could have increased the price at the pump for motorists by up to 50 cents a gallon, said Audrie Krause, spokeswoman for Stop Hidden Gas Taxes, a coalition backed by the oil industry, the California Chamber of Commerce and other interest groups. Even though the report said expressly that the agencies do not recommend a gas tax hike or new fees, some believe it is still possible. "Our feeling," said Krause, "is that as long as the goals they've set are on the table, the possibility of price increases are on the table."

Those who followed the process observed that the oil industry lobbied hard to water down the report. "I don't think that reducing the use of gasoline is the path to success," said Joe Sparano, president of the Western States Petroleum Association. "The path to success is to create an environment that allows industry to make investments. We have a terrific capacity to produce."

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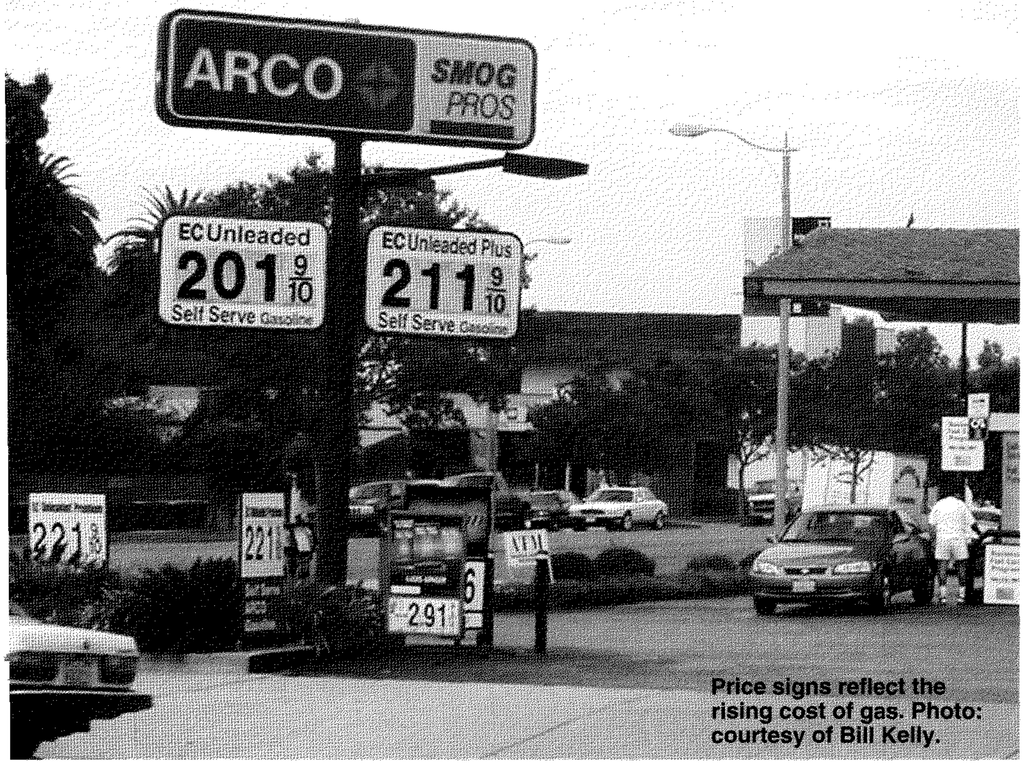


Price signs reflect the rising cost of gas. Photo: courtesy of Bill Kelly.

The oil industry, he said, believes that the state should streamline its permit processes for energy facilities. This, he said, would enable the industry to expand oil refineries, enhance the state's pipeline network to more economically move fuels to where they are needed, and to build bigger port facilities to enable more imports of finished fuels and blending stocks for use at refineries.

"The last refinery was built in 1968," said Sparano. Since then, the permit process — including extensive environmental reviews — has become so uncertain, lengthy, and costly that energy project investors lose patience and opt out. It took refineries in California up to five years to obtain permits to produce cleaner gasoline required by the state Air Resources Board, he said.

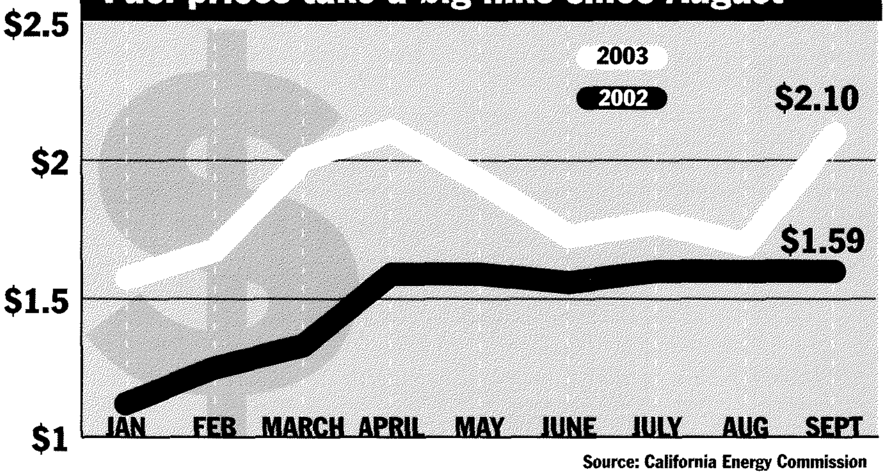
On the other side, organizations concerned about California's environment argue that the state must reduce its dependence on oil. "Reducing petroleum use in our state is a valuable tool in improving public health," said Alan Lloyd, chair of the state Air Resources Board. State officials also have fought an effort by the Bush Administration to relax air-pollution-control requirements for expansions of major new industrial facilities, like oil refineries.

Environmentalists are hopeful that the report to the Legislature on reducing petroleum dependence will invigorate state programs to develop cleaner alternative fuels. "When they see the benefits, I think there will be some action," said Todd Dipaola, public policy associate with the Kirsch Foundation, which has backed the effort of environmental groups in the state to push for clean and renewable energy.

Natural-gas facilities also take years to go through the permit process, according to Sempra's Felsinger, even though the fuel increasingly is viewed as the clean alternative to petroleum-based fuels. Sempra is one of six concerns that — during the heat of the electricity crisis in 2000-01— began pursuing construction of a liquefied natural gas receiving facility on the Baja California coast near Ensenada, Mexico, to supply its gas distribution system in Southern California. The company — which is considered ahead in the running — has obtained final approvals from different Mexican agencies and hopes to build the plant by 2006, though legal challenges from neighboring residents and businesses in the tourist area may slow the project. By contrast, Felsinger said it could take up to 15 years to win approvals and construct the same facility on this side of the border.

Successfully completing the terminal in Baja California will allow Sempra to bring in gas at $3.50 per million British thermal units, compared with the $4.50 to $5 price range projected over the next several years for gas transported by pipeline into California, according to the company. New liquefied natural gas terminals "will be the marginal cost setters," said Felsinger. The company's Baja terminal would be able to supply 1.2 billion cubic feet a day of natural gas, or a fifth of the 6 billion cubic feet used in California today.

Fuel prices take a big hike since August



Source: California Energy Commission

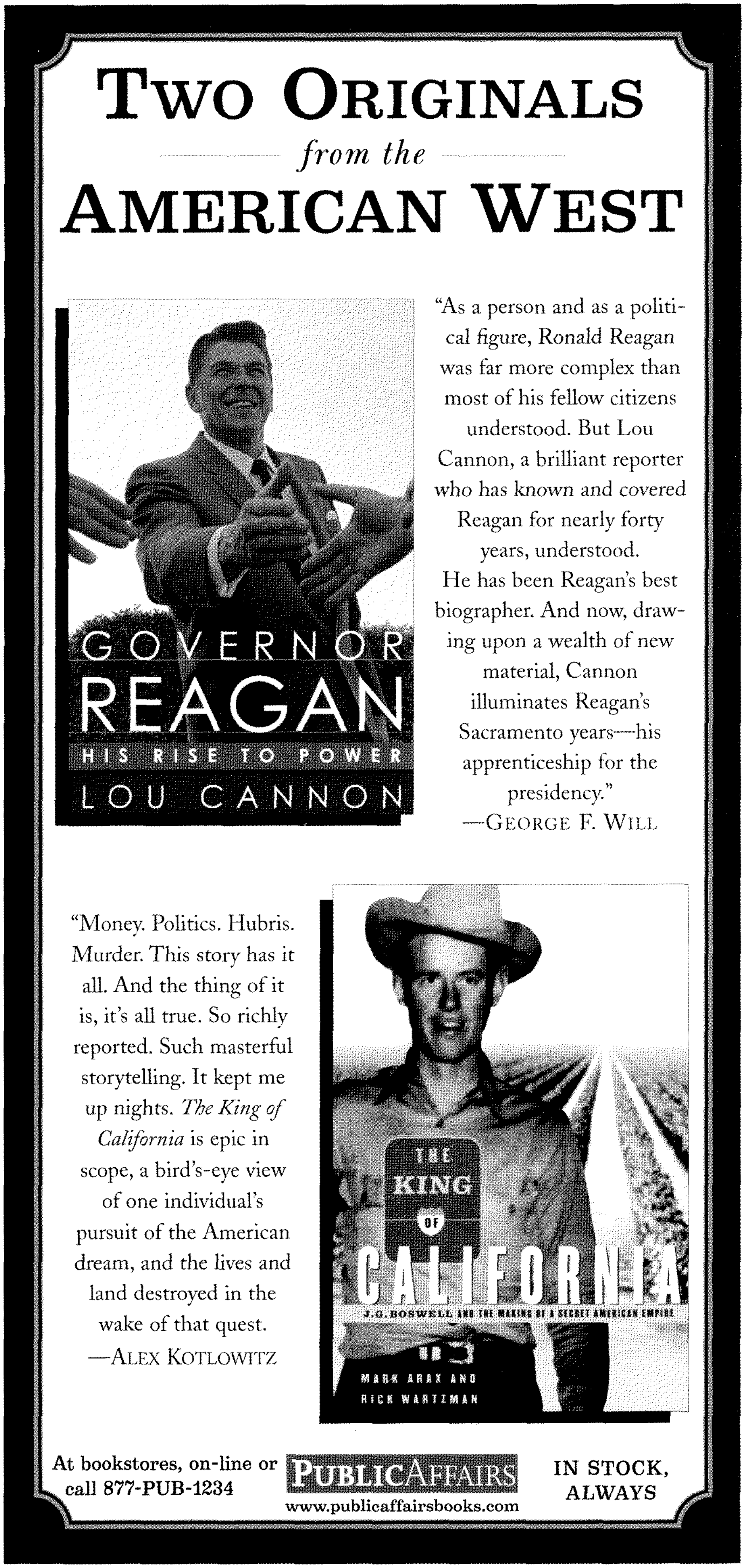
Residents and neighbors near the proposed site of the terminal are challenging the permits for the company. "The introduction of a huge industrial complex will definitely change the outlook for the area," said Roberto Valdes, president of Bajamar Real Estate Services. Accordingly, a coalition of businesses and residents along the tourist-haven coast have challenged the environmental permits issued by the Mexican government and are considering whether to challenge government energy and land-use permits. "All these legal processes could take years," he said.

Meanwhile, as the clock ticks toward projected fuel shortages and higher prices, more must be done to conserve, according to Mark Bernstein, a fellow at the Rand Corporation in Santa Monica, who served in the White House Office of Science and Technology Policy under President Bill Clinton. "California has done a great job of energy efficiency, but there's more to be done," said Bernstein. "We cannot sit around on our laurels." He urged the state to provide greater incentives for people to drive more efficient cars and install more energy efficient equipment in their homes and businesses.

Ultimately, there is no single solution in grappling with the coming fuel supply crunch. It likely will take a multiplicity of approaches, including enhancing energy supplies and infrastructure and greater conservation and efficiency while a transition is made to renewable energy resources. So, difficult tradeoffs lie ahead in balancing economic and environmental interests in a state where growth is destiny.

Yet, California is ahead of the nation in its efforts to improve energy efficiency and develop alternative sources of energy, such as hydrogen. "California is one of the few states that's really having the foresight to look into this," said Dipaola at the Kirsch Foundation. So as California goes on energy, so may go the nation.

William J. Kelly is editor and publisher of California Environment Report *at www.southlandreports.com. Send comments to* **comments@californiajournal.com**



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California Journal's
ROUNDTABLE ON THE ENVIRONMENT

Mother Nature worked overtime in California. Our state is blessed with fragile, sculptured deserts, verdant farming valleys, jagged mountain forests and nearly 1,000 miles of crashing ocean surf. So it's not surprising that the environment is a defining issue in California politics. In recent surveys, about two-thirds of Californians ranked environmental protection ahead of economic growth compared with about half of those nationally.

To look ahead at some of the most important issues regarding the environment, *California Journal* recently gathered some of the state's leading authorities and experts for a roundtable discussion. The forum did not include elected officials, and it did not attempt to offer a comprehensive representation of the interests and views on environmental issues. Instead, it was intended to provide a sampling of the environmental priorities as seen by some of those most-involved in the issue in Sacramento, including interest groups, the Legislature and the governor's administration.

The two-hour discussion, moderated by *California Journal* Editor David Lesher, took place over lunch at the magazine's Sacramento office. Not surprisingly, participants identified a wide range of issues and concerns regarding the environment. In particular, while there are many immediate flashpoints, the discussion spotlighted the daunting environmental challenges facing a state that is in financial crisis even as it is forecast for enormous growth.

CJ Editor David Lesher; Publisher A.G. Block; Managing Editor Jim Evans.

Photos by Larry Dalton

CJ: I'd like to ... go around the room and have everybody comment on what you see as the next major environmental issue. What's the next highest priority on the environment that we're facing right now or in the next year?

Torres: I would argue that it would likely be water pollution in the urban community — perchlorate, chromium and DMA, MTBE. I think that's the next big issue.

CJ: Where are we now on that issue?

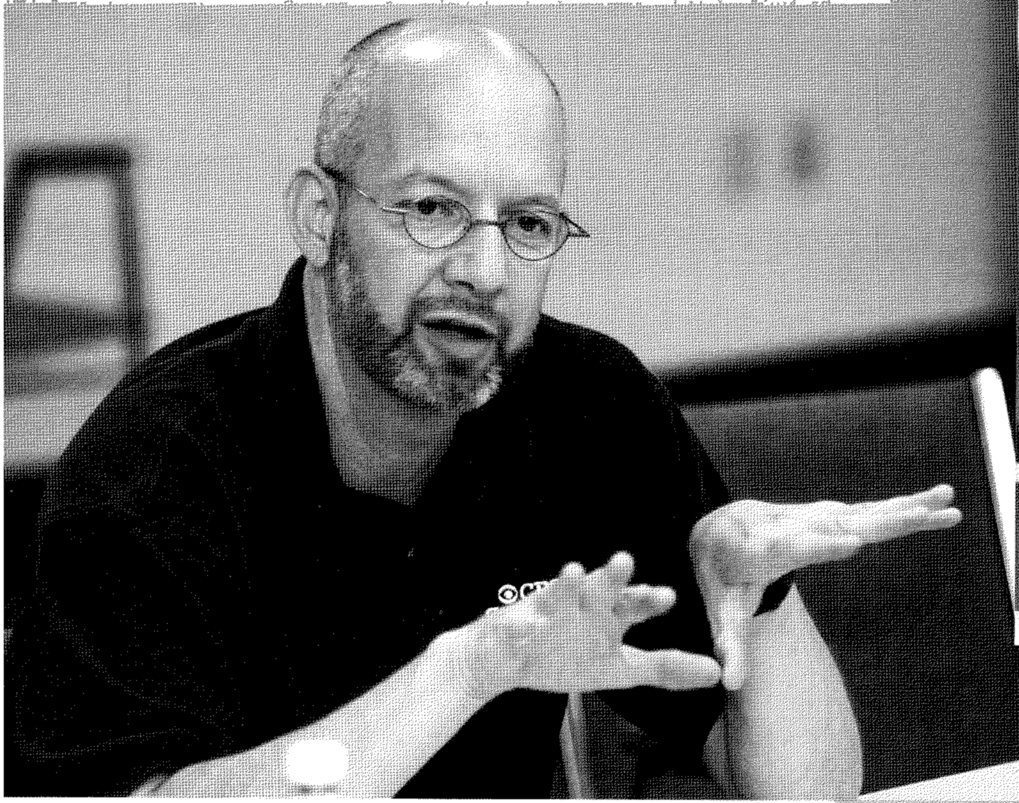
Torres: Well, perchlorate in the San Gabriel Valley is really seeping down south. It's going to hit Southeast LA and Long Beach and once it gets there, it's going to be a disaster to clean up. I think perchlorate is the next MTBE. ... Perchlorate is in Sacramento, it's in the Valley. It's impacting largely urban poor communities. And I think it's going to revive the environmental movement within the urban community.

CJ: Mr. White?

White: I'd have to say air pollution and energy together because I think they are directly related. The Central Valley is the part of California that has been left behind, and the [agriculture] industry is a big part of the reason. ... The other issue is that air pollution in the South Coast started to get worse again this year. It means that the population and the economic growth is eating away the gains we made in the '90s, and so we are going to have to make another major push, and we're going to have to confront our dependence on petroleum and the need to accelerate the transformation of our energy system if we're going to get the next chunk of air pollution that we need to protect public health.

Participants

- **Winston Hickox:** Secretary, California Environmental Protection Agency.
- **Fred Keeley:** Executive Director of Planning and Conservation League and Planning and Conservation League Foundation. Former Democratic state Assembly member.
- **Susan Kennedy:** Commissioner, Public Utilities Commission. Former Cabinet secretary to Gov. Gray Davis.
- **Michael Mantell:** Attorney, Resources Law Group. Administrator, conservation initiatives, for the David and Lucile Packard Foundation. Former undersecretary for resources with Gov. Pete Wilson.
- **Mary Nichols:** Secretary, California Resources Agency. Former assistant administrator at U.S. Environmental Protection Agency.
- **Ann Notthoff:** California advocacy director with the Natural Resources Defense Council in San Francisco.
- **Juan Torres:** Chief of staff to Assm. Marco Firebaugh.
- **V. John White:** Executive Director of Center for Energy Efficiency and Renewable Technologies. Principal, V. John White Associates



Fred Keeley

Juan Torres

> **"Absent a ... mature conversation about how to fix the impediments to budgeting ... it's not going to matter what we do around the periphery because it will simply be an unlivable state."**
>
> **— Fred Keeley**

CJ: What's the biggest obstacle that you see?

White: Well, the oil industry I think is the single greatest source of air pollution in the state still, and they continue to expect to grow the demand for petroleum. We now have something like 15 billion gallons of gasoline a year consumed in the state. We're becoming more dependent on imports, and yet the oil industry has resisted everything in regard to increased efficiency. Efforts to finance cleanup with fees on the industry; efforts to preempt state authority on global warming. Across the board, there are things we need to be doing to protect both our health and our planet from the impacts of petroleum. ... but we are not able to given the limits of the state's authority, absent help at the national level, and that's where the oil industry has a very profound influence.

CJ: Secretary Nichols?

Nichols: ... It's the fact that we're losing the ability to solve some of the problems of air quality and water qualty that are facing us because of the global problem of climate change. The misuse of energy, the amount of it that is going into heating in the atmosphere, is causing our sea level to rise; it's causing our state's hydrology to change. Water has always been the overarching issue for California's economic prosperity and now we're finding that it's changing — where it falls, how it falls, when it falls, in ways that don't fit the investments that we've made in the past in infrastructure. And you can't solve the water quality problems without also fixing the water supply problems at the

Glossary

Perchlorate: The primary ingredient of solid rocket propellant that has leaked from some rocket manufacturing sites into ground water, and subsequently, into some water wells. Perchlorate is known to interfere with the thyroid's ability to produce hormones.

MTBE: Methyl tertiary-butyl ether. A gasoline additive found in some drinking water wells.

Carl Moyer Program: An incentive program to encourage the owners of heavy-duty diesel engines to switch to alternative fuel engines, or replace older engines with new low-emission diesel engines.

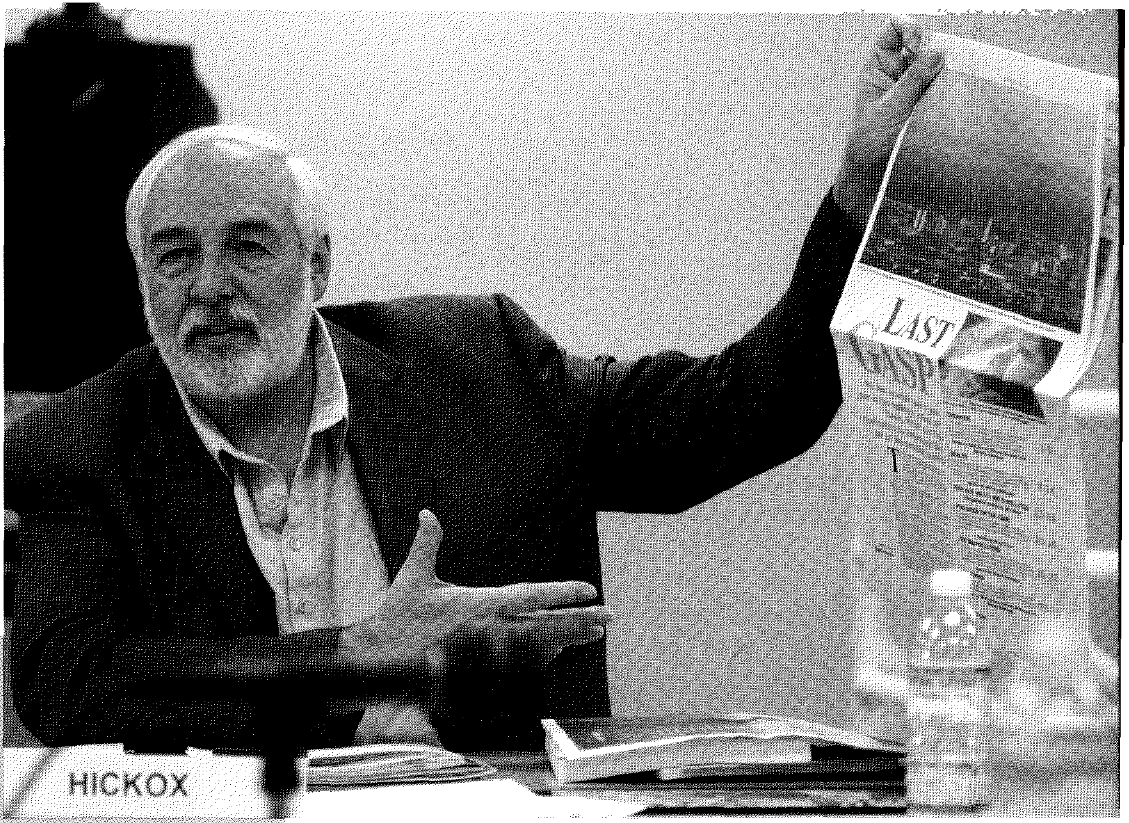
Prop. 12: $2.1 billion in general obligation bonds passed by voters in 2000 that pay for the acquisition, improvement, and preservation of recreational, cultural, and natural areas.

Prop. 13: $1.97 billion bond passed by voters in 2000 to provide funds for a safe drinking water, water quality, flood protection and water-reliability programs.

Pavley bill: A 2002 Assembly bill written by Assm. Fran Pavley (D-Agoura Hills), and passed into law, that cuts tailpipe greenhouse gas emissions in future vehicles.

CEQA: California Environmental Quality Act. The act requires that all private and public projects be reviewed prior to approval for their potential adverse effects upon the environment. Signed into law by Gov. Ronald Reagan in 1970.

same time because, in general, if you're not going to distill everything and use more energy, then you've got to create clean water; you've got to find sources of cleaner water to blend with the stuff that's already been polluted. So where to start with it all, where's the first place you would pick if you were beginning? I would say you would have to start with fixing the connection between water quality and water supply, which right now we are just not doing.



Winston Hickox

"You might be interested to know that in California, 359 public drinking water wells have been contaminated by perchlorate at the 4 parts per billion action level or above. MTBE, 55."

— Winston Hickox

CJ: What's keeping us from making that happen?

Nichols: Some of it is us. It's the way we divide problems up into little boxes and try to work on them in separate different arenas. We've got more different agencies in California, everything from two state agencies that have direct responsibility for the problem to regional and local agencies, irrigation districts, water districts. ... [It's] not a system of direct accountability for who is actually in charge, as Juan said, when someone turns on their tap and wants to know that their water is clean and that it's safe.

CJ: Mr. Hickox?

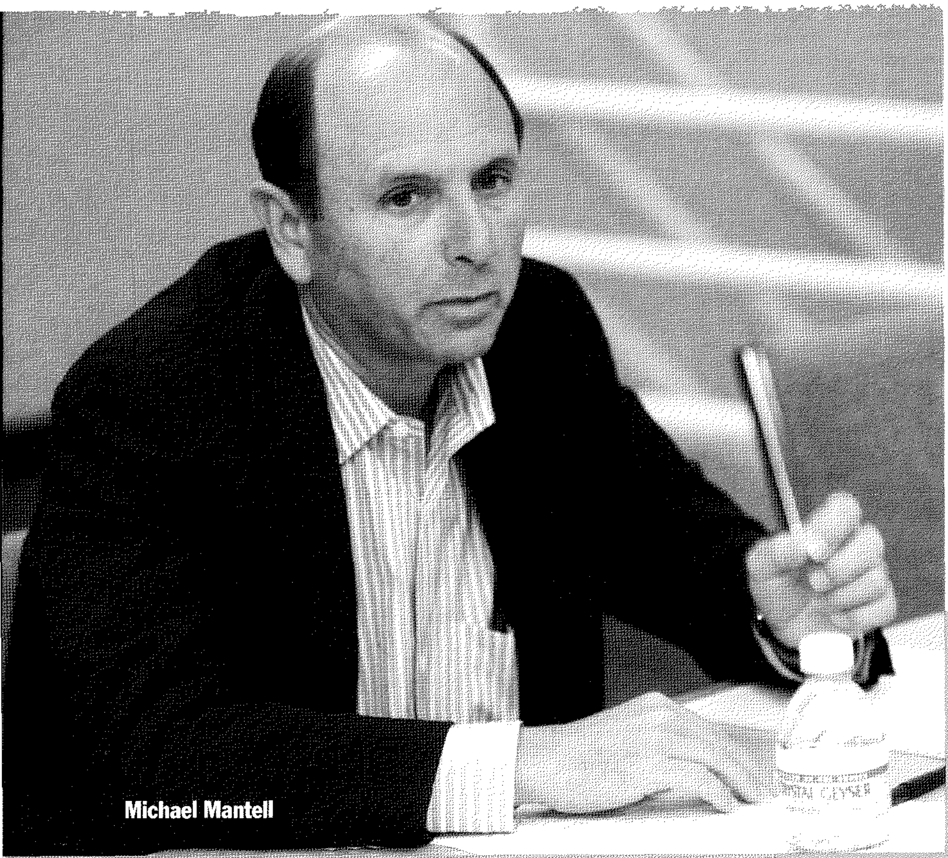
Hickox: Looking ahead ... Clean air has to be a priority. Every poll says the people of California have it at the top of their list. Diesel emissions remain the relatively unaddressed area, and it's a huge area, of focus that we need to address. ... With regard to clean water, I absolutely agree with what has been said about perchlorate being an emerging problem. You might be interested to know that in California, 359 public drinking water wells have been contaminated by perchlorate at the 4 parts per billion action level or above. MTBE, 55. So that adds some credence to the claim that we're going to find that perchlorate is a bigger problem in terms of a threat to water quality than MTBE, which I think is very much in people's conciousness.

CJ: Thank you. Mr. Mantell?

Mantell: I think looking out to next year, the biggest concerns I have would be in an election cycle both here at the state and at the federal level is the false dichotomy between the jobs and the environment. The enormous pressure exerted on both political parties in a down economy, a sagging economy, to look at rollbacks in the environment as a way to enhance the prospects for jobs. I think that is something that will occupy a lot of our time. Once again, educate the public and the policy officials ... that we need jobs and a strong economy and a strong environment. Those go hand in hand. A brown Lake Tahoe doesn't do anything for jobs, and rolling back CEQA and the Endangered Species Act and air and water protections won't at all help the economy. Our economy was rolling at unprecedented rates in the late '90s and in early 2000s, and the fact that we had strong environmental protections had nothing to do with the downturn in this economy.

CJ: Thank you.

Notthoff: Well, I think what you're hearing is the complexity of these issues. ... In terms of the oceans, that is an area that NRDC has put a lot of effort into thinking about. How do we grapple with all of the stuff that you can't see that's underneath the surface of the oceans? This is an important issue for California because we are one of the largest coastal states in the country, and we have a healthy commercial fishing industry ... that is threatened. Five years ago, I could sit here and say we should be learning from the mistakes on the East Coast and the Atlantic and we should be doing some preventive stuff here. Well, now it's too late. We already have collapse of some major fish species, which affects all of our citizens. There's subsistence fishing communities that are affected as well as some towns that really define what California is. So getting a grip on what we can do for the ocean-land interface is very



Michael Mantell

Ann Nottoff

important.

CJ: Thank you.

Kennedy: I agree with John [White] to the letter. Air pollution and energy are going to be the two issues for two reasons. Number one, air pollution is immediately visible as a quality of life issue. People know right away. They don't have to be told that air quality is getting worse, they feel it. There is also a rising conciousness of asthma in children. So, there is health study after health study coming out that make people equate their air quality to their personal lives. ... Also, because it's an election year, a lot of what's important to people is reflected in what [candidates] are talking about in their campaigns. ... Environment is going to be a major issue in Democratic campaigns. ... The second issue is that energy is going to be a huge issue because of energy independence. ... Getting off the dependence of oil from countries that are supporting terrorism. The blackouts and the California crisis are about energy independence, stability.

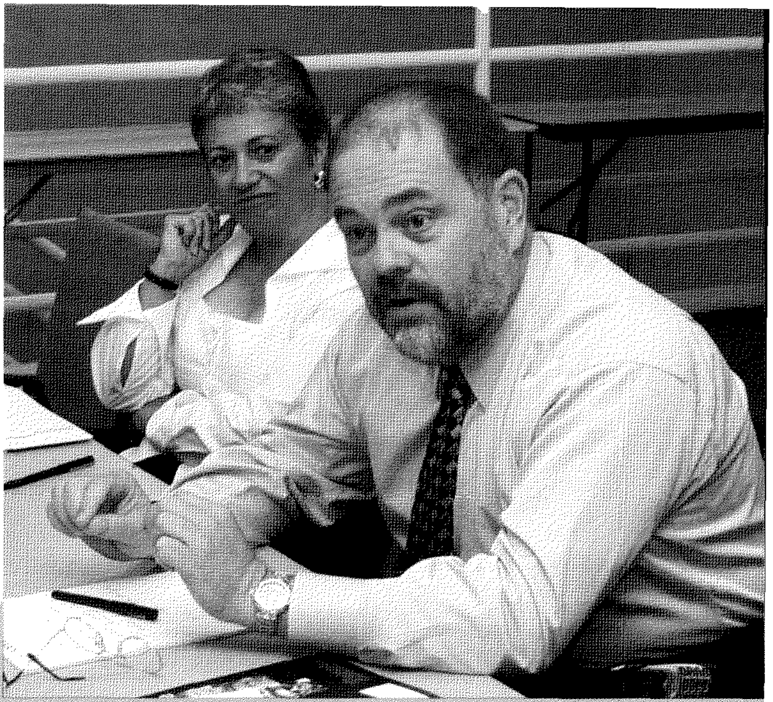
> **"Five years ago, I could sit here and say we should be learning from the mistakes on the East Coast and the Atlantic and we should be doing some preventive stuff here. Well, now it's too late."**
>
> **— Ann Nothoff**

CJ: Thank you. Mr. Keeley?

Keeley: It seems to me that as we've moved around the table that each issue ... fits into a larger context of how rapidly this state is growing ... where we are growing at roughly 500,000 people a year. ... If you could articulate the vision five years or 10 years from now — we would like California to look like this — understanding that we are growing at a pace of 500,000 people a year, what tools are available to govern and achieve those outcomes? So I think in terms of true challenges for the environment for California, fixing the challenges to budgeting in California is critical. Fixing the structural deficit is absolutely critical. ... I will guarantee when that conversation is engaged in by the governor and the general population, what people will find ... is that there are probably 10 things that need to be done on governance in terms of fixing the ability to budget to meet contemporary needs, fixing the structural deficit, and managing growth in a way that is positive for the entire state of California. And not one of those things is going to be popular to do. Not one of them is going to be a popular thing. ... But absent a grown-up, adult, mature conversation about how to fix the impediments to budgeting, how to fix the structural deficit, and doing those because you want the tools available to govern and manage toward a livable California; absent the willingness of a governor and the electorate to engage in that, it's not going to matter what we do around all of the periphery because it will simply be an unlivable state, from an environmental perspective and frankly in a social context. So what I think the major challenge is, is convincing political leadership that it is imperative, that it is exciting, that it is challenging, that it is essential, to have that discussion. To lead that discussion about what we're managing toward the next five to 10 years and probably more like 20 and 30 years. What kind of California do we want to live in?

CJ: Thank you very much. ... Mary Nichols, you had a comment you wanted to make.

Nichols: Over the last four years, we've raised from the public ... over $10 billion for water and land programs that actually address the issues that I was talking about: water quality, water supply, land, amenities that will make our cities more livable. All of the things that will make our cities allow for growth that is inevitable. But one of the problems with focusing on bonds is that they only are usable for capital projects. ... We've neglected the other piece of it. That is, *what do you do with the stuff once you've got it.* And this year's budget, from the point of view of all kinds of environmental stewardship, maintenance and enforcement, is a disaster. It's a disaster for everybody, but it's noteworthy because we're able to pump out money to buy important things and to build parks in every city of the state and county in the state. Communities are actually constructing recreation centers. Important work is happening. But if there's nobody there to turn the lights on and to run the programs, we are going to be in a pretty dire situation because we will have created expectations about a level of service to the public that cannot be fulfilled.



Mary Nichols and V. John White

"Across the board, there are things we need to be doing to protect both our health and our planet from the impacts of petroleum ... but we are not able to given the limits of the state's authority absent help at the national level, and that's where the oil industry has a very profound influence."

— V. John White

CJ: That does get right to my next question, which is that it almost seems that we are rich and poor at the same time. We have bond money that voters have been pretty generous with for the environment, but we have state budget cuts at the same time. Are the state budget cuts going to prevent us from achieving the goals that the bonds were intended for?

Nichols: I don't think you can answer that question yet. We certainly are targeting the funding that we told the people we were going to. Whether it's through a structure like CALFED or through the targeted programs, the money is going to the places where we said it would go. What communities are facing now is the need to come up with funding to them to make these programs work. So this is not just a state budget problem. It is all of our problem. I could cite the case that is getting some press attention in Southern California. This isn't a bond program, but it's Castaic Lake, which is actully a reservoir owned by the Department of Water Resources. It's a park that is leased to the County of Los Angeles. And when the county got upset that they weren't getting all of the monies they wanted out of the state this year, the first thing they did was say we're giving [the lake] back. We're not going to operate this as a park anymore. The public that will be inconvenienced if that park is closed doesn't care if it's the state or the county who is responsible, but if you are a boater or a fisher person or someone who likes to camp and Castaic Lake ... you're not going to be happy to come and see that it's not open.

CJ: To what extent is money the chief obstacle to achieving our top environmental goals and to what extent is there an evolving mentality about who is going to fund it?

Hickox: I'd like to just weigh in with this in terms of how it relates to the environmental regulatory programs in California. We've had a dimunition of general fund support for these programs, taking us from $435 million in fiscal year '01-'02, $175 million in '02-'03 and the '03-'04 budget that we're operating in now contains only $65 million in general fund [money] out of a $1.2 billion

Roundtable continues on page 35

Balance on the environment

by Karen Skelton

In the 21st century, we have to think of a smarter and more sophisticated way to address the stale debate about the environment versus the economy. To treat it as an "either-or" proposition is an old-fashioned, overly simplified, and, ultimately, unsatisfying approach. Californians need a more balanced set of policies and political principles for addressing the pull and tug between growth and conservation.

Most environmental and industry political advocates remain bull-headed foes, even while some policy-makers begin to generate programs that mutually benefit the environment and business. The "Sierra Clubs" are going to have to sit face-to-face with the "Bechtels" to hammer out acceptable compromise. Business may have to look at decelerated, though steady returns on investment, while environmentalists may have to accept progress rather than perfection.

I am especially pessimistic about environmental politicos softening their edge. We couldn't even count on those who sided with Green Party presidential nominee Ralph Nader in the 2000 election. Arguably, Vice President Al Gore was the "greenest" presidential candidate since Theodore Roosevelt. Republicans considered him an "extremist." Industry and business leaders publicly cringed at Gore's suggestion that we develop energy alternatives to the cumbustion engine, recognize greenhouse gas effects and fine polluting states by cutting off federal funding.

Yet the Nader vote in 2000 likely made the difference in the electoral college. Without Nader, Gore could have won Florida (Gore lost by 537 votes in Florida, while Nader received 97,488 in the state). New Hampshire, New Mexico, Iowa, Wisconsin and Oregon are also states where Gore could have won had he collected the Nader vote.

The politics do not add up. George Bush is bad on almost every environmental issue Greens care about, yet they would not vote for Gore.

Environmental politics is edgy and personal. All or nothing. A little is not good enough. Compromise is considered a sellout. Economic politics can be equally righteous. But that is not new.

For most of the last 30 years, (going back to the first Earth Day in 1970), the "environmental movement" has been at odds with economic principles. The country has really been of two extreme minds on the environment: You either saved or harvested forests, regulated or empowered industries, protected or gutted fish.

We assume that no one wants a "bad" environment. Rather, "anti-environmental actions"—those that weaken, rollback or eliminate environmental laws—are justified primarily on economic principles. For example, chambers of commerce argue that rules requiring equipment upgrades to reduce polluting emissions are too expensive or too cumbersome for power companies.

The conflict between business interests and environmental interests has generated some of California's great political wars. In many ways, our state has been defined by struggles for water, oil, space. California policy-makers have been inspired by both John Muir's passion for conserving wilderness and former Governor Pat Brown's vision of new infrastructure connecting and educating the state's citizens.

Good environmental policy can make economic success.

Now the situation becomes trickier. In the 1880s, when Californians began the process of suburbanization, there were plenty of resources for housing, water and wilderness. We are now poised for a population of around 60 million by 2040, according to state Librarian Kevin Starr. As we look at the challenges presented by such growth, we will be tempted to ask the same old question: Do you preserve resources for the future or use them now to accommodate economic growth?

There is common ground.

Good environmental policy can make economic success. For example, developing California's renewable energy industry will provide a job boost for the state, according to "Renewable Energy and Jobs," a report issued by the Environment California Research and Policy Center last month. According to the report, jobs from steady growth in solar, wind and geothermal development, and widespread commercialization of solar photovoltaics and fuel cells, could add $8 billion to the California economy.

That is the balance between the environment and the economy. Balance requires subtlety, patience and the ability to make mature distinctions. It requires self-control and some sense of altruism. It may require a leap of faith. But then, we Californians are used to walks in the wilderness.

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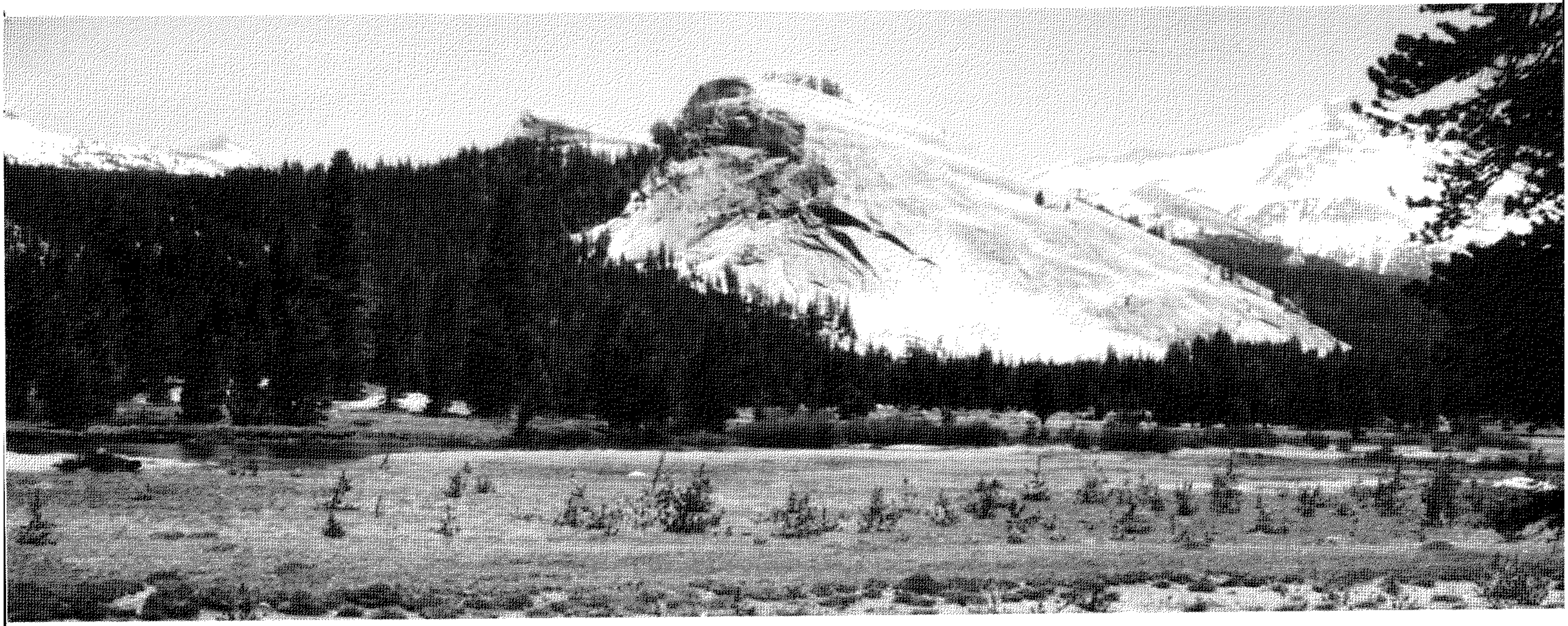
*Karen Skelton, principal at the Dewey Square Group (*www.Deweysquare.com*) in Sacramento, is former White House political director to Vice President Al Gore and a member of the Board of Directors of Environment 2004, an organization dedicated to protecting the environment and shaping the 2004 presidential race. Send comments to* **comments@californiajournal.com**

Californians don't just dream
about clean air and water,



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CAN WE ALL JUST GET

The goal was unity, but both Republicans and Democrats had trouble pulling it off at mid-September confabs in Los Angeles.

By David Lesher

California Republicans, struggling for significance after nearly a decade of decline, have finally been on a roll this year. Their small minority caucus in the Legislature took a controversial stand against tax increases and forced the majority Democrats to capitulate. GOP activists also defied the experts and qualified an unprecedented special election to recall Democratic Governor Gray Davis.

Remarkably, as the party gathered for its biennial convention in September, polls showed a Republican candidate was within striking distance of winning the governor's office. What an enormous achievement — and perhaps a historic rebirth — that would be for a party that didn't have a single statewide office holder. But unless the party could unite behind one of its two leading candidates — actor Arnold Schwarzenegger or state Senator Tom McClintock — it was likely that both would lose.

Not far away, on that same balmy September weekend in Los Angeles,

NO RECALL
DEMOCRATS UNITED
NO RECALL
CALIFOR
DEMOCRATIC

ALONG?

BEAT THE CAR TAX

Upper left: Arnold Schwarzenegger supporters outside the Republican convention in Los Angeles, 9/13. Above: Cruz Bustamante surprises Gray Davis during a speech at the Democrats' conference in Los Angeles the same weekend as the Republican convention.
Left: Tom McClintock, the first to take a turn smashing a Mercedes in protest of the car tax increase, Los Angeles Republican convention.
Photos: Mark Murrmann, California News Service.

Democrats held an almost mirror-image event. In terms of political power, the party is at a historic high. But despite advantages in voter registration, fund-raising support, grassroots organizations and high-office clout, angry California voters looked ready to toss a Democrat out of the state's highest office.

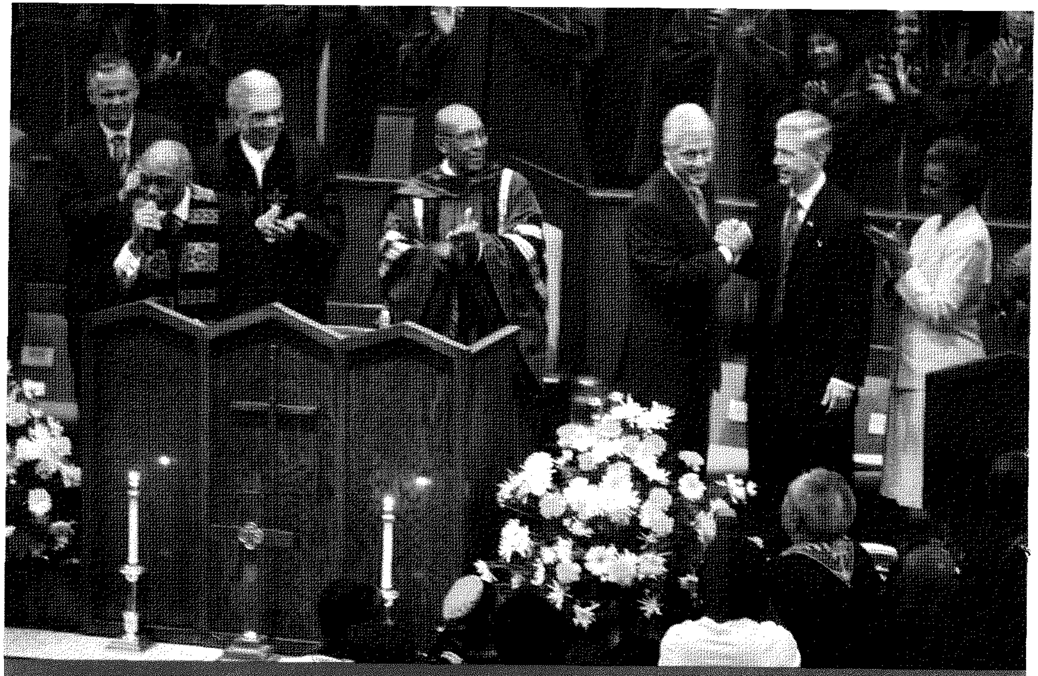
For weeks, Democratic leaders warned that the surest way to lose the governor's office was a messy fight amongst themselves. But Democrats in Sacramento have been in open warfare with their governor for a long time, and the party warnings weren't enough to keep Lieutenant Governor Cruz Bustamante from breaking ranks and entering the recall race as a candidate.

So on this early autumn weekend, barely three weeks before the scheduled October 7 recall election, both parties were focused inward.

It was a discouraging sign for those voters who turned to the recall because they were frustrated at the lack of leadership in Sacramento during this year's budget crisis. Instead of improvement, the inability of any recall candidate to unite his own party raised an ominous question about the ability of the next governor — whoever it is — to forge consensus on the critical issues ahead.

Schwarzenegger clearly felt the pressure to unite his party when he opened a Manila folder and placed his speech notes on the podium before a sold-out luncheon crowd of anxious Republican convention-goers. For an actor trained to memorize his lines, Schwarzenegger stuck close to his text, reading much of the speech with his face down and his finger tracking the words.

The high stakes for this speech were underscored just hours earlier by an internal memo Schwarzenegger received from White House pollster Jan van Lohuizen. The memo, obtained by *California Journal*, concluded that "Democratic crossover voting is minimal" and that Schwarzenegger's best chance at victory was to unite Republicans. "Simple back-of-the-envelope math shows that under these circumstances it is vital to maximize the share of Republicans voting for Arnold," the memo said.



Governor Davis and Bill Clinton at a Los Angeles First AME church service. Photo: Mark Murrmann, California News Service.

That wouldn't be easy. Conservatives were wary about his moderate positions on abortion, gay rights and guns. And privately, GOP leaders conceded that McClintock, a longtime veteran in the state's conservative cause, would probably win a straw poll or maybe even an endorsement vote if it were held.

The anguishing choice for conservatives was best described by state Assemblyman Ray Haynes (R-Riverside), a hard-line conservative who endorsed Schwarzenegger at a convention press conference. "I love him," Haynes said of McClintock. "I think he is a great man. He is sort of the north star of conservative politics. [But] Tom ... does not bring people together very well. And I think at this point in time, ... what we need in California is somebody who can bring people together."

Aides said Schwarzenegger worked meticulously on his 20-minute convention speech, which was designed to establish his Republican credentials. In all, Schwarzenegger used the word "Republican" more than 30 times, and he repeated the phrase "I am a conservative because ... " another half dozen times. As he wrapped up his comments, he framed the choice for Republicans.

"Are we going to be united or are we going to be divided?" he asked. "Are we going to fight Davis and Bustamante or fight among ourselves?" Punching a fist in the air as the crowd rose to its feet, he repeated three times: "I say, Let us unite for victory."

The speech was not a home run, and it got mixed reviews from some of those who attended. There wasn't anything new, but in contrast to Richard Riordan, who angered Republicans by touting his Democratic ties during last year's GOP primary for governor, Schwarzenegger's comments showed a heartfelt respect for the party. The question was whether that was enough.

"The big problem is that he's got to narrow the field," said Buck Johns, a longtime Republican leader in Orange County who praised Schwarzenegger's speech. "That's a hard thing to do when a lot of these people here ... have been buddies with McClintock a lot longer than we've been buddies with Arnold Schwarzenegger."

That evening, Schwarzenegger's task was made even more difficult when McClintock's speech was clearly a home run. When the senator declared, "This is no time to change our principles; this is a time to showcase them," the audience broke into a chant of "Go, go, go, go." One person stood on a chair to cheer and another shouted: "I love you."

Unlike Schwarzenegger, McClintock met with reporters earlier in the day and insisted that he will not bow to the considerable pressure on him to drop out of the race. In his evening comments, he brought the crowd to its feet when he repeated his defiant challenge. "You know me," he said. "You know that I steer a straight course, and I will stay that course." He paused for an ovation and then continued. "No matter what the pressure."

For Gil Ferguson, a former assemblyman from Newport Beach and a staunch conservative, it was a great speech by an inspiring leader. But it was also bittersweet. "This is a terrible dilemma for the party," he said. "If they were both moderates or both conservatives, one of them would drop out. But they're on two different teams."

Democrats were also struggling to unite their two different teams at a gathering 20 miles away at the Los Angeles Convention Center. Unlike the Republicans, who couldn't muster a public show of unity between the two leading candidates, the headline of the Democratic event was that Davis and Bustamante finally made their first joint appearance of the campaign. But the show of unity looked more symbolic than realistic.

Relations between Davis and Bustamante have been frosty ever since they took office in 1999 and openly feuded over the handling of a court case regarding Proposition 187, the measure to ban public benefits for illegal immigrants. In August, Bustamante embarrassed Democratic Party leaders when he defied their orders to unite behind Davis and instead filed papers to become a candidate for governor.

Bustamante insisted that his candidacy was intended to help the governor, not hurt him. The recall ballot includes two questions: whether Davis should be recalled and, if so, who should replace him. Bustamante promised to campaign against the recall even as he offered himself as an alternative in case the recall was successful.

But when Bustamante got in the race, it wasn't long before the tension between the two Democratic campaigns was on display. Richie Ross, Bustamante's campaign manager, complained publicly that Davis aides were telling contributors not to give money to the lieutenant governor. "If some of the governor's minions would stop trying to undercut my efforts, I think we could have a very coalesced opportunity for Democrats," Bustamante said in August.

Two weeks later, Ross angered some Democrats again when he announced that the campaign would shift its strategy and focus on electing Bustamante as governor instead of urging voters to side against the recall. "The governor is focused on the first question, and I have to be focused on the second," Bustamante said at a Fresno rally in early September. The campaign later backed off the announcement, saying that it would continue to urge 'no' vote on the recall.

The bickering campaigns led Democratic leaders to try to offer a public display of unity by staging a special convention in Los Angeles. Party leaders hoped that an official endorsement of Bustamante's candidacy would send an important message to Democratic voters. But it was also an awkward step for the party to endorse a campaign that was launched in defiance of its orders.

Davis used the convention to portray himself as an underdog ready for a fight. He stepped onto the stage at the Los Angeles Convention Center while loudspeakers blasted the theme to the movie, "Rocky." He shook hands with a diverse crowd of supporters that surrounded the podium, including Insurance Commissioner John Garamendi, who also defied the party leadership and filed to be a candidate in the recall, but dropped out of the race early. As Davis began to speak, the packed audience interrupted with a chant of: "No recall, no recall."

"We are going to fight back," Davis told the audience. "On the sanctity of elections. On the principle of one person, one vote. And on the orderly passing of power. All of those are at risk in this recall."

Halfway through Davis' speech, the governor was clearly surprised when Bustamante unexpectedly approached the podium. It was the first time the two had met since the recall election began, and there weren't any smiles at the start of the encounter. Davis did a quick double take when he noticed Bustamante, who stood silently gazing at the governor's profile. Davis quickly shot out a hand to shake, even as his eyes looked away at the audience. As the crowd once again began to chant "No recall, no recall" Davis moved his hand to Bustamante's shoulder.

"Bienvenidos, Mr. Lieutenant Governor," Davis said. "People wanted to see when we were going to stand together. Well, here we are."

David Lesher is editor of the California Journal. *Send comments to* **comments@californiajournal.com**

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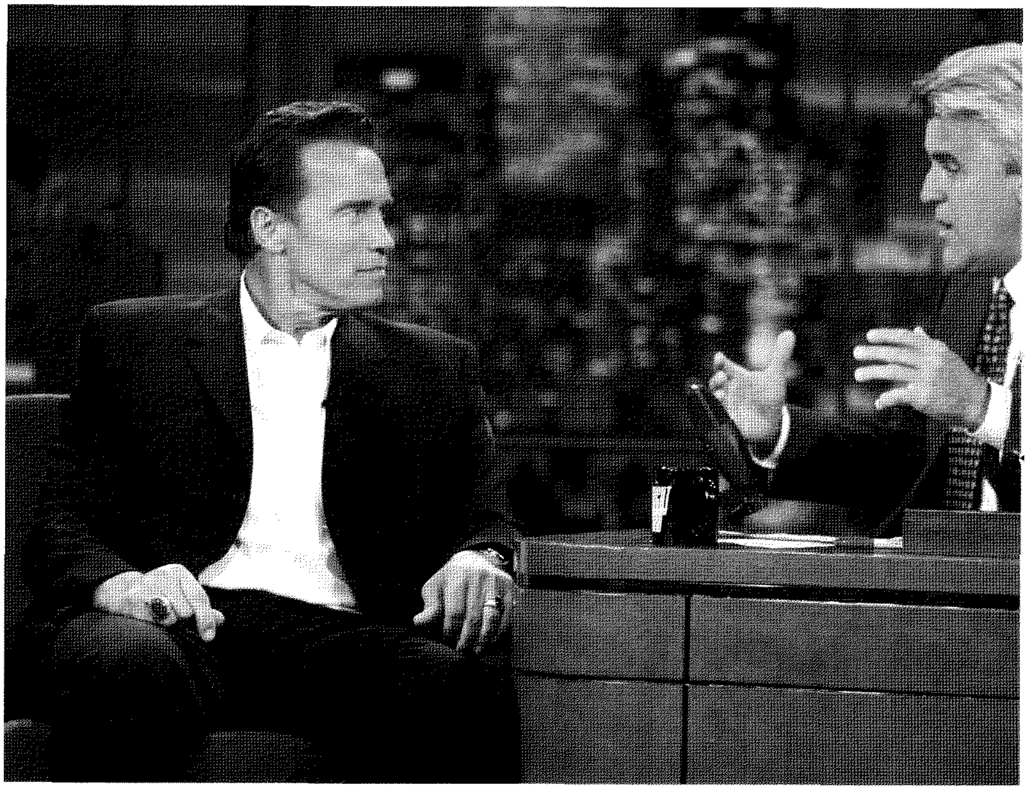


From club to

The changing world of the political reporter

By Robert B. Gunnison

For decades, California political reporters were easily identifiable. The males, who predominated, often wore blue blazers and khaki pants. They were a convivial bunch, meeting at debates and conventions and traveling in the back seat of candidates' cars or their bumpy chartered planes.

Some of their friendships lasted for decades, through marriages, divorces and funerals. They competed fiercely during the day and, after deadline, often shared drinks and their observations about politicians whose careers they chronicled, from winners like Ronald Reagan, flameouts like Mike Curb and spectacular losers like Al Checchi. They were proud of their work, making sure they held candidates accountable to voters.

The reporters argued among themselves about when skepticism became cynicism. They profiled, examined, probed and kicked the tires of every potential campaign bandwagon. They worked hard to expose the liars, cheats, amateurs and pretenders who sought elected office in California.

Mostly, they worked for newspapers and wire services, and they were committed to a kind of journalism in which the reporter interprets events for readers. Their editors tolerated them because they looked at it as a civic duty. DBI — dull, but important — was the way some editors regarded their work.

Once in a while, a television reporter would come along who shared their values, but they were rare. In truth, it was a kind of club.

Voter participation and engagement, meantime, diminished with each

Race to
theRecall
WS CONTRA COSTA TIMES

blog

Upper left: Arnold Schwarzenegger announces his candidacy for governor on the Jay Leno show. Photo: Fred Prouser, Reuters 8/6/03. Above: Gray Davis talks with television moderator Dennis Richmond at the first televised recall debate. Photo: Paul Sakuma, Reuters 9/4/03. Left: Press at the Republican convention in Los Angeles, 9/03. Photo: Mark Murrmann, California News Service.

passing election. And if citizens wanted to know how the candidates performed once they got in office in Sacramento, they had little chance. Nationally, newspapers were giving less coverage to news from state capitols.

"In the last two years, all across the country, state government news — one of newspapers' basic responsibilities — has suffered mightily," *American Journalism Review* reported last year. "States large and small have been equally vulnerable. California is down from 44 full-time Capitol reporters to 40."

But like the recall campaign that has shaken California politics to its very roots, the nature of political reporting has changed as dramatically. The world was turned upside down by the Internet, Arnold Schwarzenegger and the recall itself. The club is no more.

On a recent Sunday, (September 21, to be exact) the *New York Times* had three stories, a column and a cartoon about the recall. The same day, rtumble.com Web site, which aggregates California political and government news, listed 41 separate stories about the election in one form or another, from *The Washington Post* to the *Inland Daily Bulletin* in Ontario.

Schwarzenegger and the Web, for very different reasons, reduced public reliance on a small corps of reporters for political news. Suddenly, many voices could be heard. "The universe has greatly expanded," said Kevin Riggs of KCRA in Sacramento, and a veteran of two decades of political reporting. "I am seeing all these people I never saw before."

And the audience is willing to take part. Nine in 10 Californians say they are closely following the race, reports the Public Policy Institute of California in a recent poll. Nearly half, 46 percent, said they used television as their main news source, while 26 percent said newspapers, 16 percent radio and 8 percent from the Web, the survey said.

With the tornado force of his Hollywood publicity machine, the 56-year-old former Mr. Universe bypassed the traditional journalistic venues to reach voters directly. While past California candidates ritualistically visited each of the state's major television markets, for an announcement speech, Schwarzenegger appeared on nationally broadcast Jay Leno to tell the voters of California that he was in the race. In one week in mid-September, he appeared on Oprah, Larry King and, inexplicably, Howard Stern, all nationally broadcast shows whose California audience is only a fraction of their total viewership. Local politics suddenly became national and international.

Cruz Bustamante holds a press conference in front of his home. Photo: Frederic Larson, San Francisco Chronicle/Corbis, 8/9/03.

National shows generate more general questions and a more comfortable environment for an untested candidate. Where Schwarzenegger stands on smog testing for cars or water allocations in the San Joaquin Valley are not likely to be asked by Winfrey or Stern. The candidate allowed that he makes coffee each morning for his wife, Maria Shriver.

"They're flaunting the fact that they don't need local media," said Dave Bryan, a veteran television political reporter in Los Angeles. "Most candidates don't have that privilege."

While the Schwarzenegger phenomenon may be a one-time occurrence, the popularity of the Web as a source of campaign news gives voters quick access to more varied views of the campaign than their newspaper or local television station can provide on their best days. Among the best known on the Internet is a former blue blazer reporter, Daniel Weintraub, a columnist for *The Sacramento Bee* and McClatchy Newspapers. Weintraub's Web log, or blog, www.sacbee.com/insider, combines immediacy with political analysis. He is an unabashed supporter of the recall and usually sympathetic to Schwarzenegger. But for up-to-the-minute news about the recall, his blog is must bookmark on many browsers.

For nearly two decades, Weintraub was a prototypical Capitol reporter for the *Los Angeles Times* and *Orange County Register*. His coverage of the state budget and legislation was smart and insightful. He was a force of his own in the Capitol. When former Governor Pete Wilson once evaded his tough question, Weintraub bluntly demanded that the governor answer. Covering political campaigns was not his strength, but now he is a frequent guest on national political television shows for his analysis of the recall race.

Arnold Schwarzenegger in Bellflower, CA. Photo: Robert Galbraith, Reuters, 8/8/03.

"I fought my entire life to get away from daily news coverage," he said in an interview. "The worst thing for good journalism is news, meaning news is so often manufactured, especially in politics. So becoming a columnist was perfect for me. Now here I am — a deadline every minute and getting somehow famous for it."

Like most other bloggers, Weintraub freely links stories from other sources, including rival newspapers, from his site. This runs counter to the view of many newspapers, which view themselves as singular oracles, not one of many voices. One Weintraub favorite is Rick Hasen, a Loyola Law School professor, who blogs on the intricacies of election law. Until recently, Weintraub's work went on the Web unedited, although he simultaneously filed a copy to his editor, Mark Paul. But the *Bee*, through its ombudsman, Tony Marcano, announced on September 21 that an editor would review Weintraub's work before it went on the Web.

"No newspaper should publish an analysis without an editor's review. That doesn't necessarily mean that Weintraub's blog should have been reworded, but an editor should at least have had the opportunity to question his conclusions," Marcano wrote.

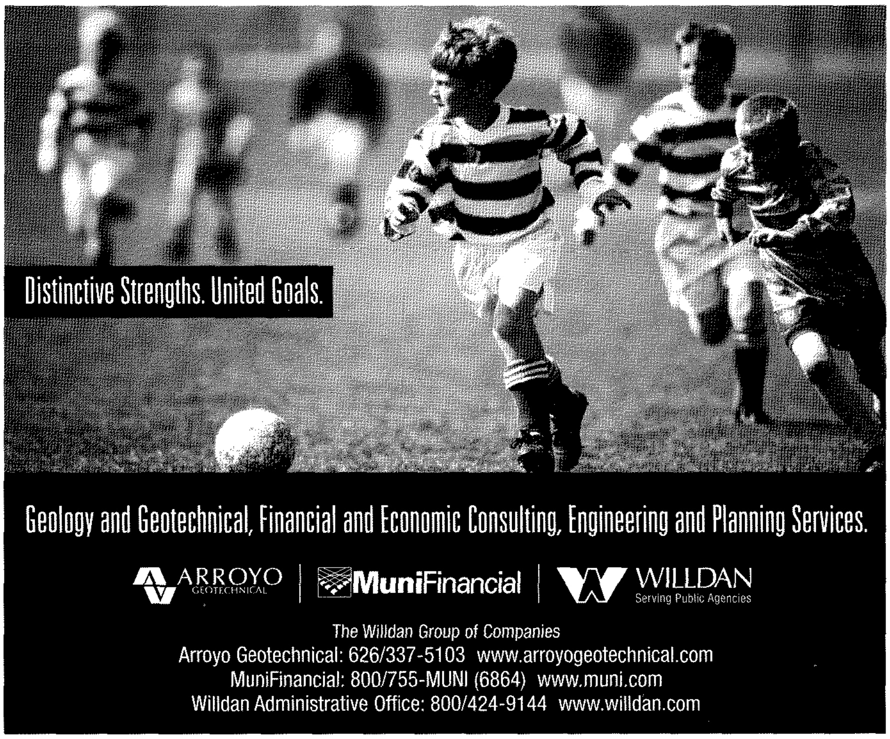
The news provoked a quick angry response from Mickey Kaus, a prominent blogger and political commentator.

"As long as nobody's libeled, why *not* publish analyses without an editor's review? If an editor [or a reader, or another blogger] comes back with a good objection, Weintraub can get another item out of it! ... If Weintraub's too much of an anti-liberal blogger, add a liberal blogger! Don't suppress them both under a smothering blanket of bureaucratic timidity!" Kaus wrote.

What prompted the crackdown on the freewheeling venue was Weintraub's posting on September 1 in which he said Lieutenant Governor Cruz Bustamante, the only prominent Democrat in the recall replacement race, "certainly owed his elevation to the job of Assembly speaker to his ethnic background and to the support he received from fellow Latinos. If his name had been Charles Bustmont rather than Cruz Bustamante, he would have finished his legislative career as an anonymous backbencher."

He added, "It's indisputably true that the Legislature's Latino Caucus advocates policies that are destructive to their own people and to greater California, in the name of ethnic unity." The caucus protested to the *Bee*, and the edict of the editors quickly followed.

Weintraub provoked an earlier


Distinctive Strengths. United Goals.
Geology and Geotechnical, Financial and Economic Consulting, Engineering and Planning Services.
ARROYO GEOTECHNICAL | MuniFinancial | WILLDAN Serving Public Agencies
The Willdan Group of Companies
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MuniFinancial: 800/755-MUNI (6864) www.muni.com
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contretemps at the paper when he reported on early the morning of July 28: “Arnold Schwarzenegger will not run for governor, a very knowledgeable source close to actor has told me. I am told to expect the official announcement as soon as today. Look for Dick Riordan to start revving up his campaign in turn.”

Arianna Huffington speaks to the press at the LA County Registrar's office. Photo: Laura Kleinhenz, Corbis, 8/9/03.

Nearly seven hours later, he posted this: “The Schwarzenegger campaign-in-waiting says my source is all wet. Arnold, they say, still hasn't made up his mind.” Along with it was a statement from Schwarzenegger's campaign consultant, George Gorton. With the situation fluid, Weintraub reflected the confusion that all political reporters were enduring, but usually hide from public view. Newspapers only make their mistakes public once a day; the Web is an instant public stage.

“There was some consternation on the news side about whether that was the right thing to do.” Weintraub said of his decision to go with the story.

It is clear many newspapers are uncomfortable with the freewheeling world of the Web, particularly when the topics are politically sensitive. But even traditional news outlets are grappling with finding the right way to cover this election.

One of the most important newspapers in the state is *La Opinion*, published in Los Angeles, which claims more than half a million readers and is a main source of news for a key bloc of voters targeted by the candidates. The Field Institute estimates Latinos account for 16 percent of the California electorate, up from 10 percent a decade earlier.

“Maybe because there is a convention that Latinos are a united and crucial and growing political force in the state, we have been more courted by the campaigns than before,” said Gabriel Lerner, an editor at *La Opinion* and himself a reader of campaign blogs.

His paper has provided traditional coverage of the campaign and the court battles, plus “caritas,” faces of readers and their comments. *La Opinion* assembled separate forums of new voters, newsmakers and young voters about the election and published reports.

“Also, as a service to the community, we repeat information about registration, with phone numbers, explanation, we inserted registration forms. We have a section, ‘Lexico politico de California,’ with information about this whole process,” Lerner said in an email interview.

La Opinion readers use the paper as a forum to debate the recall. One recent letter criticized Davis for making fun of Schwarzenegger's Austrian accent, Lerner noted. But many others favor Bustamante. “As an Hispanic in California, I tell you that the person to vote for the Austrian Terminator will dig the tomb of our paisanos that lack a resident ID, but contribute with their money to the greatness of this blessed state,” wrote a Fullerton resident, Ignacio Silva.

The importance of the Spanish language press, Lerner said, is reflected in the number of times he has been interviewed. He has been called by The Associated Press, *Orange County Register* and *Jewish Journal*. “It never happened before,” he said.

Also stunned by the intensity of the campaign is Bryan, a reporter for KCAL, one of two television stations owned by Viacom in the huge Los Angeles media market. “This has completely turned local news on its head,” he said. “This is our chance.”

He and three other reporters have been cranking out multiple stories every day to air on Viacom's two stations. “This is the busiest time I have had here,” he said. “I don't often pat local TV on the back, but the quality of content has been amazing.”

For the past month, the recall has been the lead story most every night—a major shift for viewers whose steady diet is crime and fires and helicopters.

“The big consideration,” said Bryan, “is whether the public responds, or we go back to car chases.”

Robert B. Gunnison is a former Capitol reporter for the San Francisco Chronicle. *He now is associate dean at the University of California, Berkeley, School of Journalism. Comments may be sent to* **comments@californiajournal.com**

The worst of all worlds

by Susan Rasky

California's tortured history of campaign finance reform guaranteed that Prop. 34, the "reform" measure approved by voters in 2000, would cause confusion and legal machinating the first time it was applied to a gubernatorial election. That would have been true even if Prop. 34 hadn't been devised by Sens. John Burton (D-San Francisco) and Ross Johnson (R-Fullerton) and then-Assm. Spkr. Robert Hertzberg (D-Los Angeles) to invalidate the few remaining pieces of a stricter campaign finance measure adopted by voters in 1996 and subsequently thrown out by the courts.

It would have been true even if the Prop. 34 ballot language hadn't been stitched together like a tattered sail, without benefit of public hearing or advice from the Fair Political Practices Commission. But nobody, least of all the FPPC, figured on the maiden voyage of Prop. 34 being a gubernatorial recall election.

But nobody, least of all the FPPC, figured on the maiden voyage of Prop. 34 being a gubernatorial recall election.

And so whether you believe in campaign finance reform or not, what has ensued, save for great improvements in the speed of some campaign disclosure, is the worst of all worlds: a set of election rules incomprehensible even to the political practitioners who are supposed to abide by them; a pounding for an understaffed agency unable to provide clarity or certainty at the very time candidates most need it; and a public that has voted at least five times in the past 15 years for what has been billed as major campaign finance overhaul only to have the courts or the regulators rip the guts out of the reforms.

Now as it happened, Prop. 34's first application to the recall was easy — less about machinating than about delicious irony. Gray Davis, in trouble with voters partly because of his voracious fund raising, would not be subject to the Prop. 34 contribution limits. Why? Because language exempting recall targets from contribution limits was expressly written into the ballot measure.

But there was no similar explicit language on replacement candidates. For months, the FPPC wrestled with more than two decades of its own advisory opinions, contradictory state and federal court cases, a U.S. Supreme Court case, and the language of the 1974 Political Reform Act, which says that a recall should be treated like a ballot measure. In other words, imposing any kind of limits on spending or contributions would be unconstitutional. Ultimately, the commission determined that replacement candidate election committees should be subject to the Prop. 34 contribution limits but that candidates could also form committees for and against the recall where contributions without limits could be collected.

It was elegant in a perverse sort of way, though far from simple in execution. And it might have worked, almost smoothly, were it not layered upon a set of decisions the FPPC made in 2001 on how officeholders were to make the transition between their old, unlimited campaign accounts and new ones subject to regulation. Basing its rules on ambiguous and at times inconsistent language in Prop. 34, the commission permitted some lawmakers to continue to raise unlimited funds into their old campaign committees and spend them, or transfer them to new committees, but not committees from which they intended to run for future election. The panel asked the Legislature to close the loophole, but no bill was approved.

It is this loophole that led Lt. Gov. Cruz Bustamante to collect millions of dollars in campaign money into his old committee and claim, at least for a time, that he could legally transfer it to his 2003 campaign committee.

What led Bustamante to try it in the first place? Bad advice? Political necessity? That finding will be up to the FPPC, which is investigating.

Confused yet? So was Sacramento Superior Court Judge Loren McMaster when he tried to make sense of a 12-page, heavily footnoted FPPC letter explaining how the commission had arrived at the rules on transfers.

"I got done, and I said, 'Huh?'" McMaster told a packed courtroom. "I had to go back and read it again because I didn't have a clue what they were trying to tell me."

McMaster subsequently ruled that Bustamante's transfers violated the law and ordered unspent money be returned to donors.

That won't be the end of it, however, not as long as reformers keep promoting campaign finance laws inherently at odds with the First Amendment and that promise money limits impossible to deliver.

Susan Rasky teaches at the UC Berkeley Graduate School of Journalism. Comments may be sent to **comments@californiajournal.com**

Judge Alex Kozinski of the 9th U.S. Circuit Court of Appeals during oral arguments in San Francisco, 9/22/03. Photo: Paul Sakuma, Reuters.

Democr

Nobody has ever recalled
state's 91-year-old recall
with little attention until a
began eight days of recal
federal lawsuit.

IN THE U.S. DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

In August, the American Civil Liberties Union — on behalf of the Southwest Voter Registration Project, the Southern Christian Leadership Conference of Greater Los Angeles and the NAACP — brought a lawsuit against California in federal court that argued that the state's October 7 election would violate the U.S. National Voting Rights Act by disenfranchising thousands of minority voters who live in one of the six counties that still use the punch card votomatic machines. California ordered that the machines be phased out after the controversial 2000 presidential election, in which the results from Florida were cast in doubt because of voting errors on similar punch card machines. ACLU attorneys asked U.S. District Court Judge Stephen V. Wilson to postpone the recall election until March 2004, when the six counties are scheduled to be operating new voting systems. The California Attorney General's Office, representing Secretary of State Kevin Shelley, argued that the accuracy of the punch cards was sufficient to continue the election.

ARGUMENTS FOR POSTPONEMENT

ACLU argument against October recall to U.S. District Court:

If the gubernatorial recall election and vote on Proposition 53 and Proposition 54 proceed on October 7, 2003, as presently scheduled, voters in at least six California counties will disproportionately be denied their right to have their votes counted, as the result of the use of antiquated and unreliable pre-scored punch card ("PPC") voting machines in those counties. ... In 2000 and 2002, the most recent statewide elections, millions of California registered voters used pre-scored punch card voting machines that result in disproportionately high rates of spoiled, uncounted, and unmarked ballots compared to other systems used in the state. In the November 2000 election, 53.4% of voters statewide used pre-scored punch card machines. Yet ballots cast using pre-scored punch card machines accounted for 74.8% of all ballots that did not register a vote for the President of the United States. ... Pre-scored punch card machines resulted in an average combined overvote (the machine reading more than one vote and thus disqualifying that vote) and undervote (the failure of the machine reading the punch card to read any vote) rate of 2.23%. ... The use of pre-scored punch card machines has a disproportionate adverse impact upon people of color, including African-American, Asian-American, and Latino voters. That is because people of color in California are more likely to live in counties that continue to use PPC systems and because, within those counties, PPC systems lead to high rates of undervotes and overvotes for people of color and those with lower levels of education. ... To prevent the threatened violations of voters' rights under both the Fourteenth Amendment and Section 2 of the Voting Rights Act, Plaintiffs seek preliminary and permanent injunctive relief, requiring the Secretary of State to postpone the scheduled recall election until a date on or after March 1, 2004, the date as of which PPC machines will be decertified and may therefore no longer be used in California elections.

acy's bumpy ride

a governor in California. So when lawyers dusted off the
law, it was a target for lawsuits. Most were decided
federal appeals court blocked the October 7 election and
limbo. Here are the arguments and decisions in that

ARGUMENTS AGAINST POSTPONEMENT

Secretary of State Kevin Shelley's argument in favor of October recall:

[Plaintiffs were] aware that, prior to March 1, 2004, there would likely be a number of local elections in the counties that used the PPC machines. Plaintiffs chose not protest the use of the punchcard systems for those local elections, nor did they protest when the machines were used for the recall of three city council members and the city treasurer in the City of South Gate, a predominantly Latino community in Los Angeles County, in early 2002. Yet, now they seek to interfere with the People's reserved right of the recall that is expressly provided for in the California Constitution. ... The Court should reject this attempt to avoid the terms of the consent decree. As was said by a three-judge court convened to hear a challenge by a number of Latino voters to the legality of the 2000 redistricting plan in California, "enjoining an election is an 'extraordinary remedy' involving a far-reaching power [citation] which is almost never exercised by federal courts prior to a determination on the merits, other than in cases involving a violation of the preclearance requirement ... of the Voting Rights Act." ... In fact, defendant is not aware of any cases that have allowed an election to be delayed in the face of mandatory statutory and constitutional provisions specifying the time frame for the election. To allow that to happen here, in the face of a consent decree, which plaintiffs stipulated to and are bound by, would violate basic principles of equity.

DISTRICT COURT RULING

Decision by U.S. District Judge Stephen V. Wilson in favor of October recall:

In sum, Plaintiffs suggest a Voting Rights Act violation based exclusively upon the alleged error rate of machines that poll 'majority' as well as minority voters, and are used in counties containing nearly one-half of California's voters. They contend that some 40,000 votes may be lost as a result of higher error rates (many if not most of which votes will be cast by non-minority voters) in a state of nearly eight million voters. Accordingly, there is, at best, a slim chance that Plaintiffs will be able to prove that punch-card machines in California 'interact[] with social and historical conditions to cause an inequality in the opportunities enjoyed by black and white voters to elect their preferred representatives.' ...Even if the election could somehow be concluded at a later date, it is relevant in the public interest analysis to consider whether such a delayed election would not itself work strongly against the voting rights of all Californians. Because an election reflects a unique moment in time, the Court is skeptical that an election held months after its scheduled date can in any sense be said to be the same election. In Ordering the contemplated remedy, the Court would prevent all registered voters from participating in an election scheduled in accordance with the California Constitution. Arguably, then, the Court by granting the relief sought could engender a far greater abridgement of the right to vote than it would by denying that relief.

"I want to remind people that the 9th Circuit is the most reversed court, and it is the same court that banned the words 'under God' in the Pledge of Allegiance. It has become a national laughingstock."
— Sen. Tom McClintock (R-Ventura)

"My attitude is, let's just get it over with, let's just have this election on Oct. 7, put this recall behind us so we can get on with governing the state of California."
— Gov. Gray Davis

"My overall reaction is we got a setback. I don't think it's a setback that we'll lose the recall election. I think we'll have one. It's a matter of when. I suspect the Supreme Court will hear the case and give us a fair hearing."
— Ted Costa

"It's just more uncertainty. It's more circus."
— U.S. Sen. Dianne Feinstein

"Historically, the courts have upheld the rights of voters, and I expect that the court will do so again in this case. The people have spoken, and their word should — and will — prevail."
— Arnold Schwarzenegger

2003
california
REcall

"If the Supreme Court involves itself in this, the Democratic presidential candidates will have a field day. They don't have a dog in this fight. The Supreme Court should have to live with what it did in Bush vs. Gore and this is absolutely the correct application of that precedent."
— Stanford University law professor Michele Landis Dauber, a former clerk for a 9th Circuit judge

"I'm happy that the people of California will have more time to scrutinize the candidates' positions. It will be much harder for Schwarzenegger to run a campaign based on platitudes, and it will be much harder for Cruz Bustamante to run on the fact that he's the next guy in line to succeed the governor."
— Arianna Huffington

"I think people are starting to get a little bit of a recall fatigue. The preference I have is to resolve the legal issues and to get on with the election on the date that it is."
— Lt. Gov. Cruz Bustamante

Sources: Associated Press, Los Angeles Times, New York Times, Sacramento Bee, San Jose Mercury News, Washington Post

IN THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

Judge Wilson's ruling was appealed by the ACLU to the 9th U.S. Circuit Court of Appeals. "In elevating a state constitutional provision establishing the time periods for holding a recall election after certification of petitions above the core federal demand of equal treatment under the law, the district court plainly abused its discretion," ACLU attorneys argued. The 9th Circuit Court agreed to hear the case, creating a three-judge panel to hear arguments.

THREE-JUDGE APPELLATE COURT RULING

Decision by three-judge panel of 9th U.S. Circuit Court of Appeals:

Federal law is supreme over state law. The Fourteenth Amendment was enacted during post-Civil War Reconstruction, a special time in our history when the federal government took on a much greater role in protecting citizens from unjust state infringements of their rights. ... The public interest is an essential factor in determining whether to enjoin an election due to likely violation of the equal protection clause, ratified to secure important rights of citizens. Thus, placing dispositive weight on compliance with state law as part of the public interest calculus would introduce a deference to state law that is entirely inappropriate in the context of the equal protection clause. It would erroneously equate state interests with public interests. The district court erred as a matter of law in doing so. ... In sum, in assessing the public interest, the balance falls heavily in favor of postponing the election for a few months. The choice between holding a hurried, constitutionally infirm election and one held a short time later that assures voters that the "rudimentary requirements of equal treatment and fundamental fairness are satisfied" is clear. These issues are better resolved prophylactically than by bitter, post-election litigation over the legitimacy of the election, particularly where the margin of voting may well exceed the margin of victory. The Supreme Court's admonition in Bush bears requiring: "The press of time does not diminish the constitutional concern. A desire for speed is not a general excuse for ignoring equal protection guarantees." ... The Secretary of State is enjoined from conducting an election on any issue on October 7, 2003.

REHEARING

Only days after the three-judge panel ruled, and after considerable public uproar, the 9th Circuit took the unusual step of asking parties to the suit to resubmit arguments to a larger panel of 11 jurists selected by lottery from among the court's 25 judges. The case was reheard and a decision reached with alacrity. Arguments were made on Monday afternoon, September 22, and the panel issued a unanimous ruling the next morning, overturning its previous decision.

ELEVEN-JUDGE APPELLATE COURT RULING

Decision by 11-judge panel of 9th U.S. Circuit Court of Appeals:

A preliminary injunction is appropriate where plaintiff's demonstrate "either: (1) a likelihood of success on the merits and the possibility of irreparable injury; or (2) that serious questions going to the merits were raised and the balance of hardships tips sharply in [their] favor." ... The court must also consider whether the public interest favors issuance of the injunction.

There is no doubt that the right to vote is fundamental, but a federal court cannot lightly interfere with or enjoin a state election. ... We conclude that the district court did not abuse its discretion in holding that the plaintiffs have not established a clear probability of success on the merits of their equal protection claim. [They also have not shown a strong likelihood of success on their Voting Rights Act claim.]

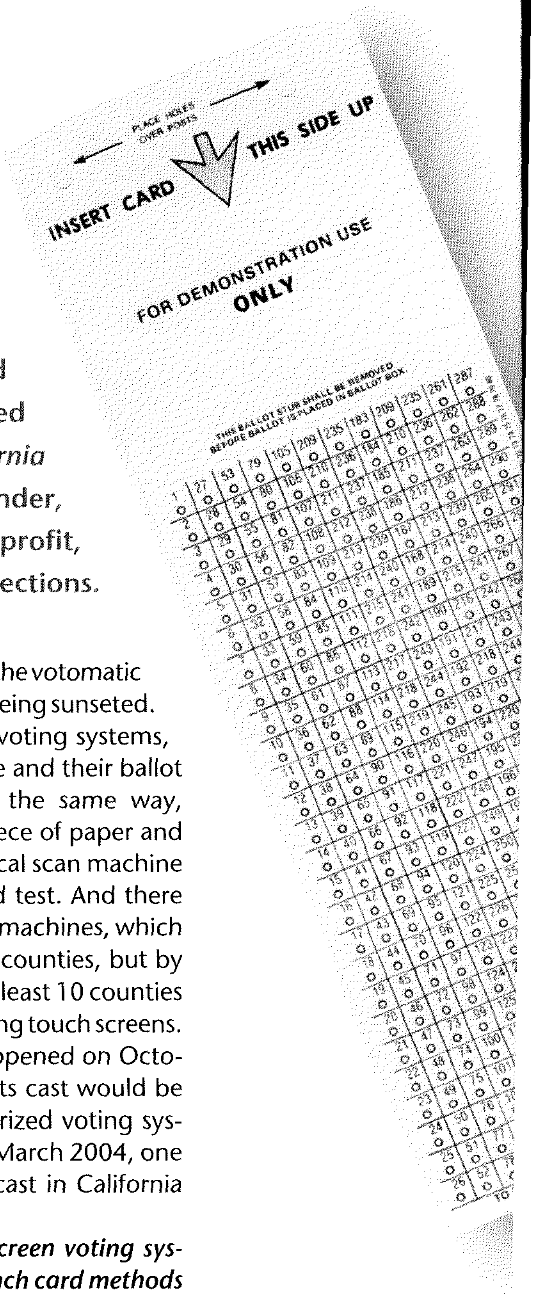
[Regarding the public interest], hardship falls ... on all the citizens of California. The public interest is significantly affected. If the recall is enjoined, it is certain that ... California and its citizens will suffer material hardship by virtue of the enormous resources already invested in reliance on the election's proceeding on the announced date. ... These investments of time, money, and the exercise of citizenship rights cannot be returned. ... This election has already begun. [Regarding the propositions], there may be a stronger case for delaying [them but] because votes are already being cast, moving the initiatives to a later election creates the same problem as moving the recall; an election would be halted after it has already begun.

For these reasons, the judgment of the district court is AFFIRMED.

California is not Florida

An interview with Kim Alexander of the California Voter Foundation

When a three-judge panel from the 9th U.S. Circuit Court of Appeals concurred with ACLU lawyers in September that California's elections system would disenfranchise voters who use punch card ballots, California's recall election was thrown into disarray. Although the ruling was overturned, it still raised the question of whether any state that uses the kind of punch card ballots that made Florida famous for hanging, pregnant and dimpled chads was holding a fair election. To get at that question, *California Journal's* Managing Editor, Jim Evans, sat down with Kim Alexander, president and founder of the California Voter Foundation, a non-profit, nonpartisan organization that studies the use of technology in elections.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INSERT CARD
THIS SIDE UP
FOR DEMONSTRATION USE ONLY
THIS BALLOT STUB SHALL BE REMOVED BEFORE BALLOT IS PLACED IN BALLOT BOX

CJ: How would you characterize the current state of California's elections infrastructure?

Alexander: Better than most states but still in need of serious improvement. We have much more thorough and rigorous procedures, especially for our paper-based voting systems, than other states do. We have state certification systems that are better than a lot of other states. And, most importantly, we have the manual count law which few, if any other states have ... that requires the accuracy of all automated vote counts to be verified. And the way that we do that ... is by requiring the counties to select at random a subset of their paper ballots, tally those paper ballots by hand, and then those hand-counted totals have to be shown to match the vote totals that are generated from the ballot-counting software. We've done this for 38 years and the numbers come out right. ... A lot of other states have looked at our manual count law.

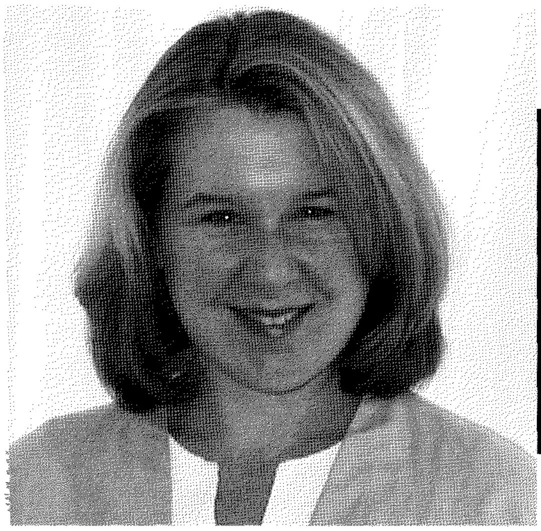
CJ: How many voting systems are currently in use in California?

Alexander: There are four systems that are currently certified. There's the pre-scored punch card system, which are being sunseted. There's the data-vote punch card system, which are more robust than the votomatic style punch card and is not being sunseted. There are the optical scan voting systems, which vary in their interface and their ballot style but essentially work the same way, where the voter marks a piece of paper and the paper is read by an optical scan machine — similar to a standardized test. And there are the touch screen voting machines, which are currently in use in four counties, but by March 2004 there will be at least 10 counties we anticipate that will be using touch screens. Of those — if the recall happened on October 7 — 9 percent of ballots cast would be cast on paperless computerized voting systems. If the recall is held in March 2004, one out of every three ballots cast in California will be paperless.

CJ: Of the non-touch screen voting systems — the two kinds of punch card methods and the optical scan — have any of them demonstrated that they're more error prone than the others?

Alexander: When the district judge, Stephen V. Wilson, wrote on the original ACLU [recall] case in August, the order specifically cites pre-scored punch cards, which are the ballot cards that have the rectangles pre-cut so that when you punch them they fall out. It's that kind of technology that's really at question here. The question is, will chads more likely fall out and therefore [cause] someone's vote to be discounted because their ballot would show them over-voting in the race? That's the concern with the punch cards.

Kim Alexander



CJ: Are the touch screen machines necessarily better than the other machines in terms of error rate?

Alexander: No. The problem is we don't know the accuracy of the touch screen voting systems because we can't verify the accuracy of the touch screen voting systems because they have no voter verified paper trail. So, the whole manual count process that we've relied on for almost four decades to back up the accuracy of automated vote totals is a meaningless gesture on the touch screen voting systems because the way that those counties using touch screen are complying — or attempting to comply with it — is by producing paper ballot images after the polls have closed, after the voters have gone home, and producing paper ballot images from the computerized vote totals and then tallying those paper ballot images by hand and then showing that those hand-counted totals match automated vote totals. But, of course, they are going to match because they are using the same source of data. The only thing that that process would show you is if your printer was malfunctioning. It wouldn't show you if the vote count was accurate in the first place.

CJ: Are you saying essentially that in 2006, if everything goes the way the reformers want it to go and the punch cards are gone, that the number of voters who are disenfranchised might not change?

Alexander: Yes. There are three kinds of votes that comprise what the ACLU and Professor Henry Brady from [UC] Berkeley call the so-called error rate: Over-votes, unintentional under-votes and intentional under-votes. ... Over-votes is a very small percentage of votes-not-cast. ... An unintentional under-vote is what happens when a voter tried to make a mark or punch a hole through the card and it doesn't go. Well, why wouldn't it go through? Either the stylus isn't sharp enough or there's chad buildup behind the machine, and you end up with a dimpled or pregnant chad. We don't have dimpled or pregnant chads in California because we're maintaining our machines. So raising these scenarios of California voters being disenfranchised because of dimpled or pregnant chads is totally fallacious. ... So you're left with intentional under-votes. Well, we have no idea what the intentional under-vote rate is because we don't give voters the ability to proactively state on the ballot that they want to skip [a] race. ... For example ... in November 2000, of all the voters in Marin County who went to go vote on their state-of-the-art optical scan voting system, .4 percent did not cast a vote for president either because they over-voted, or they intentionally under-voted or they unintentionally under-voted. I suspect most of that is intentional under-vote. Then you look at November 2002, and the votes-not-cast rate for Marin, same county, same voting system, is 4.1 percent. How do you explain that? Did the voters mess up? No. Did the machines mess up? No. The way you explain that higher rate of votes-not-cast is that this time around a higher percentage of voters in Marin County chose to skip the contest at the top of the ticket, which in this case was governor, which was overall under-voted across the state in part due to people being dissatisfied with their choice on the ballot. ... People are skipping choices, and we need to give voters a way to register that abstention rather than attributing those abstention votes to the performance of the voting system.

> People are skipping choices, and we need to give voters a way to register that abstention rather than attributing those abstention votes to the performance of the voting system.

CJ: The presidential election in 2000 set much of the current election reform effort in motion. Is there any indication that Florida was indicative of voter disenfranchisement everywhere, or was Florida a unique case?

Alexander: Florida's election standards, in my opinion, are definitely inferior to California's and probably inferior to a lot of other states as well. It's not just the machines ... It had a lot more to do with the state's lack of uniform standards for addressing problem ballots, the short timeline the state gave — and continues to give — its counties to certify their election results. They only get nine days. ... I'd take great offense to anyone who would suggest that California's voting process is like Florida's. The machines are the same but they are not maintained the same way. We have statewide uniform standards for how to deal with problem ballots, we give our counties 29 days to certify elections results, and we adhere to the federal guidelines, and have our own state certification standards and procedures that are very detailed. That's why we've never had the kind of vote-counting fiasco in California that we saw in Florida, despite the fact that we've used punch cards for almost 40 years. ... Running free and fair elections is not just a matter of the machinery that you're using.

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Roundtable

Continued from page 17

overall budget for all of the boards and departments that make up Cal-EPA. ... The real threat in my area of responsibility is the budget that lies ahead. The $8 billion-plus hole that appears to be before us in terms of the next fiscal year budget, if it proportionately falls on my area of responsibility, it will be devastating. We've done everything we can to tighten our belts. The mundane, in terms of eliminating out-of-state travel, seasonal employees, contract money to preserve the base of people. ... We've retained those and even there we've sustained fairly deep cuts as a result of the hiring freeze and the need to eliminate positions. The next round, it's whatever is after cutting fat, skin; you're in bone marrow next. It's going to be serious in its impact. ... The governor put in place a program to help finance brownfield cleanups in order to spur development in infill locations. We just can't fund that anymore. We've had to give that money back. Those were one-time expenditures of significance in consequence that the governor made when he could and we can't continue. There will be a consequence as a result of that.

Mary Nichols , V. John White and Juan Torres

"In Mr. Firebaugh's district, the average [park space] for 1,000 people is less than an acre. ... The National Recreation Park Association recommends five acres for every 1,000 people." — Juan Torres

Kennedy: I want to make two points. One is the bonds. I don't think people can say that people aren't going to get the value out of the bonds. It may be delayed, but the ability to sell the bonds will still be there when the economy recovers and there's staffing to do it. There's definitely an impact, but it's not like people aren't going to get what they voted for. It's just going to be delayed. The second issue is that I don't think it's a fair impression to leave that government funding is the only source of funding for environmental concerns because ... a lot of the environmental regulation that's in place involves industry. Mary touched upon it when she talked about polluter pays. If you look at it, when you talk about energy, which I know a lot about now, David, the environmental regulation that Bush just rolled back required the industry to put new control technologies on [power] plants when they upgrade plants. So that doesn't take government funding, but it takes a level playing field in the industry to invest in pollution-control technologies. Another thing that Annie touched on is the notion of the connection between the economics and the environment. You can even put a finer point on it. We have to find a way to make it economical to be environmentally friendly. There are ways to do that. We are doing it in energy efficiency. We are looking at making sure that companies that are financing electricity plants can make as much money by investing in energy efficiency as they can by building a polluting power plant. But that takes changes in policy and priorities on the state level to make that dollar invested in energy efficiency just as valuable to that company so that they'll be as attracted to energy efficiency as they would in just building another

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gas-fired plant. That same concept needs to be applied to other industries and other aspects of environmental improvements.

Hickox: But if they want a little bit of controversy here today, I would say to you, Susan Kennedy, that I need the money for engineers to make determinative decisions about what is best available to control technology and she needs rangers to run those parks.

Kennedy: I'm not saying you don't need money. [laughter]

Mantell: I think we do need money and there is no getting around it. ... I think we're going to have to get smarter in this cycle about being more efficient with less resources. That's a reality no matter who is governor. Over the long term, we have to do a better job of educating the constituency in California about what the costs are, what the needs are, and they will make the choices as they've demonstrated over the last four years repeatedly in the passage of these bond measures. At the same time, I've been privileged to be engaged with a number of private, philanthropic interests who deeply care about the quality of life in California and our land and water resources and have made substantial financial commitments to enhance the capabilities of the nonprofit sector and to work in collaboration with government and public agencies. ... But those resources want to be used in a way that compliement, that augment, that magnify the public expenditures. They do not want to be supplanting the needed public dollars for these programs. A primary recent example of this is what was put together with the leadership of Sen. Feinstein and Gov. Davis on the Cargill Salt Ponds in the San Francisco Bay, where federal and state governments put up $80 million and private foundations put up $20 million for that acquisition. And the private foundations have committed another $15 million for initial management and restoration of those salt ponds. But again, that is done in a way that is in partnership and in collaboration with the public expenditures in an attempt to make those public expenditures go further and in a way to draw in increased citizen participation the nonprofit capabilities to enhance the opportunities there.

Susan Kennedy

"As long as we have government regulation fighting against industry and we're not trying to tap into the private sector investment and make it economically viable, we are always going to be hit or miss."

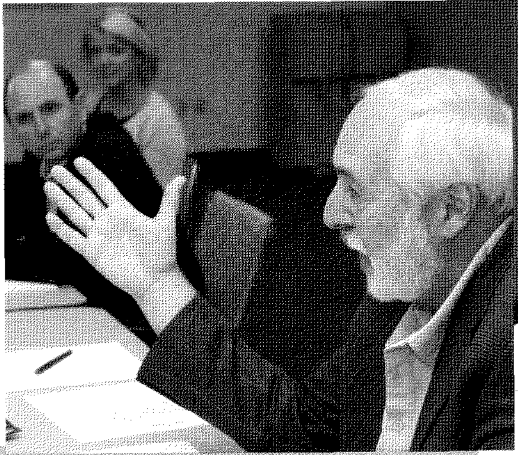
— Susan Kennedy

Torres: Let me add on the issue. I think the great danger is ... in the new parks that we create. Prop. 12 and 13 are the first investments we have made in urban parks, about $55 million. And Prop. 40 put another $250 million in urban parks. I think the danger is going to be that the people in these communities are going to see no park. [And] if they see it, the danger is ... to not have a staff to run those parks. After Prop. 40, about 25 legislators wrote a letter to then-Speaker [Bob] Hertzberg urging for there to be a park bond. Of those, 17 were Latino caucus members. They represent people from districts like my boss does. In Mr. Firebaugh's district, the average [park space] for 1,000 people is less than an acre. ... The National Recreation Park Association recommends five acres for every 1,000 people. And they are talking about urban parks. The danger is that we won't get them there. And second thing is that we open a park and there is no staff to provide services.

CJ: I wanted to ask an exit question about what some bright spots are that we might look forward to, and two of them that come to my mind that we haven't really talked a lot about are fuel cell cars and renewable energy.

Hickox: With regard to the Fuel Cell Partnership, I think everyone knows that in the spring of 1999, the governor helped form the Fuel Cell Partnership which involves oil companies and auto companies and makers of fuel cells. ... And for four years, there has been a demonstration project based in West Sacramento driving a number of these fuel cell vehicles in California to test them in terms of emissions and viability. ... I think that has been a very powerful technology. Another thing worth noting is that this ... governor has asked that we engage in discussions with our neighbors to the north in Oregon and Washington and British Columbia, and I recently talked to my counterpart in Baja California about how we might join in creating a regional climate change initiative in which we would all work together to come up with our own findings about climate change and its impact on our states, principally driven by our common coastline and its implication in terms of the rise in sea level. But again, this is leadership.

Ann Notthoff, Michael Mantell and Winston Hickox



Mary Nichols

> **"And this year's budget, from the point of view of all kinds of environmental stewardship, maintenance and enforcement, is a disaster. ... if there's nobody there to turn the lights on and to run the programs, we are going to be in a pretty dire situation because we will have created expectations about a level of service to the public that cannot be fulfilled."**
>
> **— Mary Nichols**

Mantell: I think the two things that give me the most hope for the future of our resources in California are the increased interest among communities of color in the quality of life issues. ... And I think the other thing ... is the advances in technology and science and our understanding of these issues. I think we're at a place now where there is ... increasing comfort in our ability to restore places — that we don't have to take landscapes as they were or as they have been damaged, but that we have the scientific capability and the technical capability to actually restore them and improve them, which is being done on several streams in Northern California, and it is being done in a number of urban areas in Southern California. And that we're only going to be better at restoring damaged environments and making them into more natural environments as the years go on and that holds great promise for the future.

Kennedy: Bright spots. I think California in particular has developed what is the [nation's] most successful model, and our task is, in the long run, to develop this further. The model is that we start out with regulatory policy like the ZEV. It involves government funding to subsidize the commercial development of new technologies, but it has to lead to industry investment once it becomes economically viable. We've done that with zero-emission vehicles very successfully. Like you said, we are light years ahead of where we would be. Fuel cells, renewable energy, we are doing that. I think we've dabbled in it with land conservation. I don't think we have a successful model with land conservation but we certainly, I mean, we can. Air quality, we've hit or miss. We've done some good things but we haven't really crossed the bridge to make it more economically attractive, more attractive to invest in clean air technologies, and we haven't done it hardly at all with water, another big issue. So I think that is a successful model. As long as we have government regulation fighting against industry and ... we're not trying to tap into the private sector investment and make it economically viable, we are always going to be hit or miss. Two steps forward, three steps back. Some areas we'll make progress, other areas it'll just take tons and tons of government money to make progress. Where we have been really, really successful is in developing that model where we make it commercially viable and tap into commerical investment to do that, and our challenge will be to do that with some of the bigger issues like water.

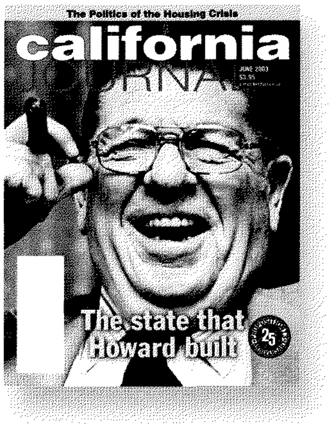
Send comments to **comments@californiajournal.com**

A cheer for representative democracy

Thank you so much for bringing to light some of the issues associated with our "initiative industrial complex" here in California ["What If Jarvis Had Never Been Born?" June 2003]. By design we have a representative democracy, and I believe direct democracy through the initiative process inhibits our ability to improve our representative system. Folks seem to take for granted that the representative system is broken, so individuals, corporations and even elected officials themselves have taken to using initiatives to enact public policy, rather than focusing their attention on much needed reforms in our representative model. Reforms might lead to smarter, strategic policy, along with more active participation and inclusion of the will of the electorate. But instead, we ignore challenging reforms in favor of easier signature gathering.

Unfortunately I'm in the minority thinking about this issue. I appreciate your efforts to explain this important dimension of our malfunctioning democratic process. Perhaps through your article, a few more people will join the chorus to rid our state of initiatives. It would be ironic to launch an initiative to do just that, eh? The potential for positive change would be worth the irony.

Kevin Hickey
San Francisco


The Politics of the Housing Crisis
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The state that Howard built
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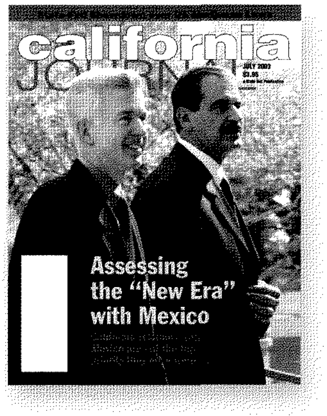


The forest and the trees

Regarding your interesting article on Jackson Demonstration State Forest ["Some see forest, some see trees," June 2003]:

Coastal redwoods are overwhelmingly held in private ownership, and Jackson is the only large public redwood forest between San Francisco and Humboldt County. Adjacent on three sides are two industry holdings totaling close to half a million acres. Management there eliminated not only all old growth but virtually all older second growth redwoods. In an ecosystem where trees would grow 2000 years if left alone, a 40-year-old tree is considered "old" on industrial holdings. The California Department of Forestry (CDF) approved every one of the logging plans that left this region depleted of both merchantable timber and a functioning natural environment.

Within Jackson's 49,000 acres are approximately 10,000 acres that have not been logged for 100 years. These groves are beginning to support the plant and animal life that once was abundant in the region but CDF is waging a vigorous battle to cut most of them. What purpose does such management serve in this "demonstration forest" than to once again show that cutting the largest trees yields the most money? We know that already. An experiment more appropriate to the 21st century would be to manage these older groves to recover some of the exuberant vitality that once made this area one of the wonders of the natural world.

Kathy Bailey
Sierra Club California
Philo, CA

The case for pot

I read with great interest your article on medicinal marijuana and California versus the federal government ["California takes on Uncle Sam," July 2003]. My 19-year-old son was diagnosed with a rare form of abdominal cancer in September 1999. Because of the size of the mass, and the fact that it was literally squeezing his stomach in two, he was in horrible pain and unable to eat or drink without vomiting. During the month that he was hospitalized he had lost over 50 pounds and was being fed intravenously. With his doctor's certification, we joined the cannabis club.

I find it appalling that the federal government would deny access to anything that gives patients any form of relief. Without the accessibility of the cannabis club, I would have resorted (as other mothers I know had to prior to Prop. 215) to driving into areas looking for drug dealers and not knowing what I was getting, just to help my son.

Chris died one year after he was diagnosed. My family, including my 82-year-old mother, is committed to keeping medicinal marijuana legal.

Nancy Rogers
Alameda

California Journal welcomes letters from our readers. Please send comments to **comments@californiajournal.com** or write us at 2101 K Street, Sacramento, CA 95816. Letters should be no longer than 200 words and may be edited for clarity.

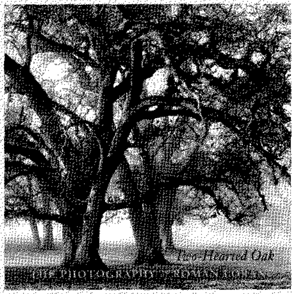
Central Valley Stills

California's spectacular natural beauty has long been a popular subject for artists and photographers. Often, the images capture the state's mountain forests or its rocky coast. Here, in scenes from an upcoming book, photographer Roman Loranc reminds us of the beauty in California's Central Valley. As the book's promoters say, "Loranc captures drama in places that few people know and only drive by on their way to another destination."

Backwater, Cosumnes Nature Conservancy Preserve, 1998

Slough in Winter
San Joaquin River
National Wildlife
Refuge, 2001

Frosted Willows, Merced National Wildlife Refuge, 1998



Two-Hearted Oak:
The Photography of
Roman Loranc
With Essays and Poetry
by Lillian Vallee
Sponsored, in part, by the
Nature Conservancy
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A portion of sale proceeds go
toward the restoration of the
California Wetlands
To be published October 30, 2003

The Legislature takes on workers' comp

Four days before the September recess, lawmakers assigned to a special joint committee to fix workers' comp unveiled eight bills designed to save the troubled workers' comp system. The three main bills — AB 227, SB 228 and SB 1007 — would generate about $5 billion in savings this year (and more later) by limiting fees to health care providers and preventing workers from using some treatments. Right after the special committee detailed the plans, Gov. Gray Davis pledged that he would sign the legislation if it reached his desk. Meanwhile, a bill that would move California closer to universal health insurance — SB 2 — also passed from a conference committee. SB 2 would require employers to pay for medical insurance for workers. Business lobbyists were unhappy with the insurance bill, which carried Sen. pro Tem John Burton's (D-San Francisco) name. "They just screwed business," Richard Costigan, lobbyist for the California Chamber of Commerce, told *The Sacramento Bee.* "Whatever savings we get from comp will be wiped out by the cost of SB 2." Both the workers' comp legislation and SB 2 passed out of the Legislature.

Senate

SB 43 (Cedillo) Food assistance: Allows the Emergency Food Assistance Program Fund to remain on the list of voluntary contributions on the state tax form until 2009. Passed 23-8. Approved by governor.

SB 60 (Cedillo) Drivers' licenses: Gives undocumented immigrants the right to get a drivers' license in California. Passed 23-15. Approved by governor.

SB 109 (Torlakson) Redevelopment: Expands the list of major audit violations a redevelopment agency may be held accountable for such as an agency's failure to deposit all required property tax revenues into the Low and Moderate Income Housing Fund. Passed 39-0. Approved by governor.

SB 114 (Torlakson) Big-box lures: Bars cities from using financial incentives to attract car dealers or stores larger that 75,000 square feet that are in the same market area. Passed 23-13.

SB 196 (Kuehl) Water boards: Requires Regional Water Quality Control Board (RWQCB) members appointed to fill the "associated with municipal government" positions to be local lawmakers. Passed 39-0. Approved by governor.

SB 521 (Bowen) Small energy users: Requires the Office of Ratepayer Advocate (ORA) to consider the interests of

SENATE (25 D. 15R)	SB 43	SB 60	SB 109	SB 114	SB 196	SB 521	SB 677
Aanestad (R)	Y	N	Y	N	Y	Y	N
Ackerman (R)	Y	N	Y	N	Y	Y	N
Alarcón (D)	Y	Y	Y	Y	Y	Y	Y
Alpert (D)	*	Y	Y	Y	Y	Y	Y
Ashburn (R)	N	N	Y	N	Y	Y	N
Battin (R)	*	N	Y	N	Y	Y	N
Bowen (D)	*	*	Y	Y	Y	Y	Y
Brulte (R)	N	N	Y	N	Y	Y	N
Burton (D)	Y	Y	Y	Y	Y	Y	Y
Cedillo (D)	Y	Y	Y	Y	Y	Y	Y
Chesbro (D)	Y	Y	Y	Y	Y	Y	Y
Denham (R)	Y	N	Y	N	Y	Y	N
Ducheny (D)	Y	Y	Y	Y	Y	Y	Y
Dunn (D)	Y	Y	Y	Y	Y	Y	Y
Escutia (D)	Y	Y	Y	Y	Y	Y	Y
Figueroa (D)	Y	Y	Y	Y	Y	Y	Y
Florez (D)	Y	Y	Y	Y	Y	Y	Y
Hollingsworth (R)	N	N	Y	N	Y	Y	N
Johnson (R)	N	N	Y	N	*	*	*
Karnette (D)	Y	*	Y	Y	Y	Y	Y
Knight (R)	N	N	Y	N	Y	Y	N
Kuehl (D)	Y	Y	Y	Y	Y	Y	Y
Machado (D)	Y	Y	Y	Y	Y	Y	N
Margett (R)	Y	N	Y	N	Y	Y	N
McClintock (R)	N	N	Y	*	Y	Y	*
McPherson (R)	Y	N	Y	N	Y	Y	N
Morrow (R)	N	N	Y	N	Y	Y	N
Murray (D)	Y	Y	Y	Y	Y	Y	Y
Oller (R)	N	N	Y	*	Y	Y	N
Ortiz (D)	Y	Y	Y	Y	Y	Y	Y
Perata (D)	Y	Y	Y	*	Y	Y	Y
Poochigian (R)	Y	N	Y	N	Y	Y	N
Romero (D)	Y	Y	Y	Y	Y	Y	Y
Scott (D)	Y	Y	Y	Y	Y	Y	Y
Sher (D)	Y	Y	Y	Y	Y	Y	*
Soto (D)	Y	Y	Y	Y	Y	Y	Y
Speier (D)	Y	Y	Y	Y	Y	Y	Y
Torlakson (D)	Y	Y	Y	Y	Y	Y	Y
Vasconcellos (D)	Y	Y	Y	Y	Y	Y	Y
Vincent (D)	*	Y	*	*	Y	Y	*

VOTER RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-September. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes N - No
*** - Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (2/3 = 54 votes)

Senate: 21 votes required for passage of bills needing a simple vote majority. (2/3 = 27 votes) smaller energy customers in rate design and revenue allocation and expands compensation for representatives of commercial customers who receive bundled electric service. Passed 39-0. Approved by governor.

SB 677 (Ortiz) Soda ban: Prohibits the sale of soda pop during school hours at all public schools. Passed 22-14.

Assembly

AB 205 (Goldberg) Domestic partners: Grants registered domestic partners nearly all of the state rights, benefits and responsibilities currently granted only to married spouses. Passed 41-33.

AB 226 (Vargas) Life insurance: Prohibits the sale of corporate owned life insurance (COLI) policies that designate the employer as the beneficiary of the policy for current or former rank and file employees. Passed 48-30. Approved by governor.

AB 301 (Reyes) Car video: Clarifies and updates current law to prohibit new video technologies from a driver's view while operating a motor vehicle. Passed 78-0. Approved by governor.

AB 302 (Chan) Flame retardant: Phases out, by January 2008, the manufacture, processing or commercial distribution of two flame retardants (penta and octa polybrominated diphenyl ether) that are believed to be cancerous. Passed 47-28. Approved by governor.

AB 414 (Nakano) Elderly care: Allows certified Residential Care Facility for the Elderly (RCFE) administrators to take up to 20 hours of required continuing education courses on-line. Passed 77-0. Approved by governor.

AB 514 (Kehoe) Water meters: Requires certain urban water suppliers, on or after March 1, 2013, or according to the terms of the Central Valley Project (CVP) water contract or subcontract in operation, to charge customers for water based on the actual volume of deliveries as measured by a water meter. Passed 55-22.

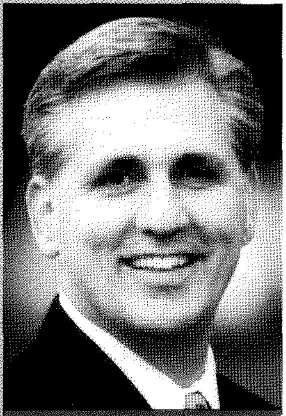
AB 846 (Vargas) Secondhand smoke: Expands smoke-free zones from five feet to within 20 feet outside the entrance, exit or operable window of a public building. Passed 50-26. Approved by governor.

AB 1207 (Corbett) Early retirement: Allows school and community college districts to provide early retirement options for members of the State Teachers' Retirement System (STRS) only if the district can show cost savings. Passed 65-9. Approved by governor.

ASSEMBLY (48D, 32R)	AB 205	AB 226	AB 301	AB 302	AB 414	AB 514	AB 846	AB 1207		AB 205	AB 226	AB 301	AB 302	AB 414	AB 514	AB 846	AB 1207
Aghazarian (R)	N	N	Y	N	Y	N	N	Y	Leslie (R)	N	N	Y	N	Y	N	N	N
Bates (R)	N	N	Y	N	Y	N	N	Y	Levine (D)	Y	Y	Y	Y	Y	Y	Y	Y
Benoit (R)	N	N	Y	N	Y	Y	N	Y	Lieber (D)	Y	Y	Y	Y	Y	Y	Y	Y
Berg (D)	Y	Y	Y	Y	Y	Y	Y	Y	Liu (D)	Y	Y	Y	Y	Y	Y	Y	Y
Bermúdez (D)	Y	Y	Y	Y	Y	Y	Y	Y	Longville (D)	Y	Y	Y	Y	Y	Y	Y	Y
Bogh (R)	N	N	Y	N	Y	N	N	Y	Lowenthal (D)	Y	Y	Y	Y	Y	Y	Y	Y
Calderon (D)	Y	Y	Y	Y	Y	Y	Y	Y	Maddox (R)	N	N	Y	N	Y	N	N	*
Campbell (R)	N	N	Y	N	Y	N	Y	N	Maldonado (R)	N	N	Y	Y	Y	N	Y	Y
Canciamilla (D)	Y	Y	Y	Y	Y	Y	N	Y	Matthews (D)	*	Y	Y	Y	Y	Y	Y	Y
Chan (D)	Y	Y	Y	Y	Y	Y	*	Y	Maze (R)	N	N	Y	N	Y	N	N	Y
Chavez (D)	*	Y	Y	Y	Y	Y	Y	Y	McCarthy (R)	N	N	Y	N	Y	N	N	Y
Chu (D)	Y	Y	Y	Y	Y	Y	Y	Y	Montañez (D)	Y	Y	Y	Y	Y	Y	Y	Y
Cogdill (R)	N	N	Y	N	Y	N	N	*	Mountjoy (R)	N	N	Y	N	Y	N	N	N
Cohn (D)	Y	Y	Y	Y	Y	Y	Y	Y	Mullin (D)	Y	Y	Y	Y	Y	Y	Y	Y
Corbett (D)	Y	Y	Y	Y	Y	Y	Y	Y	Nakanishi (R)	N	N	Y	N	Y	N	N	Y
Correa (D)	Y	Y	Y	Y	Y	Y	Y	Y	Nakano (D)	Y	Y	Y	Y	Y	Y	Y	Y
Cox (R)	N	N	Y	N	Y	N	N	N	Nation (D)	Y	Y	Y	Y	Y	Y	Y	Y
Daucher (R)	N	N	Y	*	Y	Y	N	Y	Negrete McLeod (D)	Y	Y	Y	Y	Y	Y	Y	Y
Diaz (D)	Y	Y	Y	Y	Y	Y	Y	Y	Nuñez (D)	Y	Y	Y	Y	Y	Y	Y	Y
Dutra (D)	Y	Y	Y	Y	Y	Y	Y	Y	Oropeza (D)	*	Y	Y	Y	Y	*	Y	Y
Dutton (R)	N	N	Y	*	Y	Y	N	Y	Pacheco (R)	N	N	Y	N	N	Y	N	N
Dymally (D)	Y	Y	Y	Y	Y	Y	Y	Y	Parra (D)	N	Y	Y	Y	Y	Y	Y	Y
Firebaugh (D)	*	*	*	*	*	*	*	*	Pavley (D)	Y	Y	Y	Y	Y	Y	Y	Y
Frommer (D)	Y	Y	Y	Y	Y	Y	Y	Y	Plescia (R)	N	N	Y	N	Y	Y	N	Y
Garcia (R)	N	N	Y	N	Y	Y	Y	Y	Reyes (D)	*	Y	Y	Y	Y	Y	Y	
Goldberg (D)	Y	Y	Y	Y	Y	Y	Y	Y	Richman (R)	N	N	Y	N	Y	Y	N	Y
Hancock (D)	Y	Y	Y	Y	Y	Y	Y	Y	Ridley-Thomas (D)	Y	Y	Y	Y	Y	Y	Y	Y
Harman (R)	N	N	Y	N	*	N	*	*	Runner (R)	N	N	Y	N	Y	N	N	Y
Haynes (R)	N	N	Y	N	Y	N	N	N	Salinas (D)	Y	Y	Y	Y	Y	Y	Y	Y
Horton, J. (D)	*	Y	Y	Y	Y	Y	Y	Y	Samuelian (R)	N	N	Y	N	Y	N	N	Y
Horton, S. (R)	N	N	Y	N	Y	N	N	N	Simitian (D)	Y	Y	Y	*	Y	Y	Y	Y
Houston (R)	N	N	Y	N	Y	N	N	Y	Spitzer (R)	N	Y	Y	N	Y	Y	Y	Y
Jackson (D)	Y	Y	Y	Y	Y	Y	Y	Y	Steinberg (D)	Y	Y	Y	Y	Y	Y	Y	Y
Keene (R)	N	N	Y	N	Y	N	N	N	Strickland (R)	N	N	Y	*	Y	N	N	N
Kehoe (D)	Y	Y	Y	Y	Y	Y	Y	Y	Vargas (D)	Y	Y	Y	Y	Y	Y	Y	Y
Koretz (D)	Y	Y	Y	Y	Y	Y	Y	Y	Wesson (D)	Y	Y	Y	Y	Y	Y	Y	Y
La Suer (R)	N	*	*	N	*	*	*	*	Wiggins (D)	Y	Y	Y	Y	Y	Y	Y	Y
Laird (D)	Y	Y	Y	Y	Y	Y	Y	Y	Wolk (D)	Y	Y	Y	Y	Y	Y	Y	Y
LaMalfa (R)	N	N	Y	N	Y	N	N	N	Wyland (R)	N	N	Y	N	Y	Y	N	N
Leno (D)	Y	Y	Y	Y	Y	Y	Y	Y	Yee (D)	Y	Y	Y	Y	Y	Y	Y	Y

Leadership:

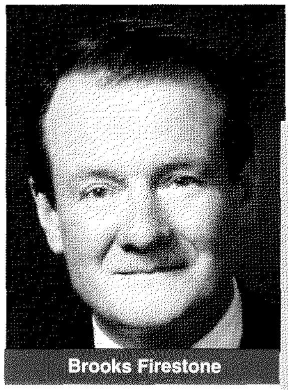
GOP taps McCarthy

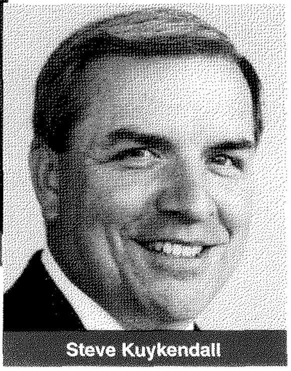

Kevin McCarthy

For Assembly Republicans, it was a relatively successful year. True to the makeup of the lower house — Democrats hold 48 seats and the GOP holds 32 — Republicans couldn't claim many legislative victories, but on their chosen battleground — the budget — their vision was realized. There were no new taxes in the budget the Legislature sent Gov. Gray Davis. Part of that credit goes to the Senate Minority Leader Jim Brulte, of course, but the bigger job of holding together the Assembly GOP caucus was left to the minority leader there, Dave Cox. Cox, emboldened by the 2002 arrival of two more Republicans, presented a united caucus that would not budge on taxes. It was the Democrats who finally caved. The job of leading the Republican charge in 2004 falls to **Kevin McCarthy** of Bakersfield, who was elected by the GOP caucus as Cox's hand-picked successor in September. McCarthy — who was elected to the Assembly in 2002 — is the former district director for Bakersfield GOP Congressman Bill Thomas.

Campaign Watch

The race to see who'll be the Republican to take on incumbent Democratic U.S. Sen. Barbara Boxer is taking shape. While thus far only two have officially declared — former Los Altos Hills Mayor **Toni Casey** and businessman **Danney Ball** — two others are aggressively weighing bids: current Assm. **Tony Strickland**, who's termed out in 2004, and former Bush Treasury head **Rosario Marin**. ... The *Monterey County Herald* reported that Republican Sen. **Bruce McPherson**, also termed out in 2004, is considering making a run against Democratic incumbent U.S. Rep. **Sam Farr** (D-Carmel) for his seat in Congress. McPherson is also considering a run for his old seat in the Assembly, where he has one more term. Democrat **John Laird**, who's in his first term, currently holds the seat. McPherson isn't the only Republican moderate Assembly veteran considering another stint in the Legislature. The *Ventura County Star* reported that two other former assemblymen (both with only one term left) are being recruited to run in 2004. The two are former Assm. **Brooks Firestone** and former Rep. **Steve Kuykendall**. Thus far, only Kuykendall has officially announced that he's running — he'll go up against current Democrat Sen. **Betty Karnette** for AD 54, if both survive the March primary. ...


Brooks Firestone


Steve Kuykendall

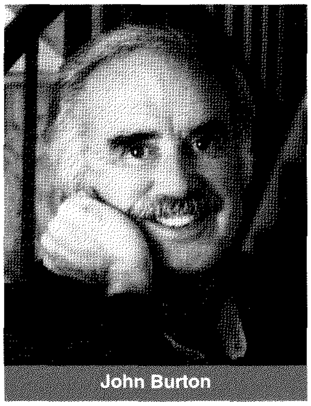
The retirement of Democratic U.S. Rep. **Cal Dooley** has set off a torrent of activity in Central Valley political circles. *Roll Call* reported that the race to succeed Dooley could turn out to be a three-way affair. Already, Dooley's chief of staff, **Lisa Quigley**, and Democratic Assm. **Sarah Reyes** indicated they would enter the race for Dooley's 20th District seat. Also, former state Sen. **Jim Costa** has expressed interest. Running to replace Reyes, who's termed out of the Assembly in 2004, is Democratic Fresno Supervisor **Juan Arambula**. Republican farmer **Paul Betancourt** is expected also to challenge for the open seat. ... A rematch is shaping up for the Central Valley AD 30 seat. In 2002, well-funded Democrat **Nicole Parra** barely beat Republican businessman **Dean Gardner**. Gardner has said that he'll run again in 2004. ... Santa Rosa Councilmember **Noreen Evans**, who's running for AD 7, reported that Assm. **Pat Wiggins** — who currently holds the seat — has endorsed her campaign. Recently two other Democrats running for the seat dropped out, leaving only Santa Rosa School Board member **Jim Leddy** in the race against Evans in the primary. ... The Republican primary for AD 29 is still a crowded affair. Republican Assm. **Steve Samuelian**, who was stopped in February on a Fresno street that's a known area of prostitution, is facing primary challenges businessman **Mike Villines**, former Fresno Councilmember **Chris Mathys** and Clovis Councilmember **Nathan Magsig**. Republican Assembly leaders Dave Cox and Strickland are supporting Samuelian, while former Gov. Pete Wilson has offered his support for Villines.

Lobbyists & PR

The CA Rehabilitation Assn. has hired **Katherine Maestas** as a lobbyist. Maestas, a former Democratic legislative staffer, lost last year in a race for the AD 10 seat against Republican Alan Nakanishi. ... **Steven Thompson**, head lobbyist of the CA Medical Association and former chief of staff for Willie Brown, has registered as a lobbyist with Physicians Advocates. ... **Lauri Keller** has registered as a lobbyist with Nestor Traffic Systems. ... **Deborah Pacyna**, communications director with Lt. Gov. Cruz Bustamante, has joined PR firm Fleishman-Hilliard as a VP and head of its public affairs team. ... Public Strategies has hired **Joshua Townsend**, a former legislative staffer with Carole Migden and communications director for Steve Westly's campaign for controller. Townsend will be a public affairs consultant in the firm's San Francisco office.

Government

Mike Gotch, formerly legislative director for Gov. Gray Davis, was named deputy sec. of state by Sec. of State Kevin Shelley. ... Three Assembly members and three senators were selected to serve of the special joint committee looking into workers' compensation reform. The six lawmakers are: Assms. **Juan Vargas** (D-San Diego), **Fabian Nunez** (D-Los Angeles) and **Ken Maddox** (R-Garden Grove) and Sens. **Richard Alarcon** (D-Sun Valley), **Charles Poochigian** (R-Fresno) and Sen. pro Tem. **John Burton** (D-San Francisco).


John Burton

Other

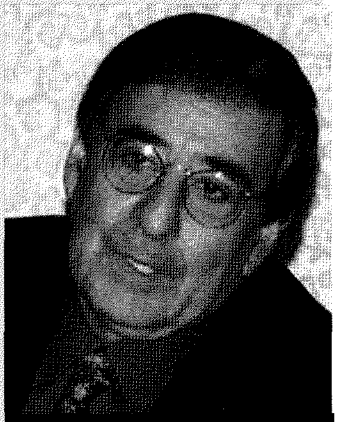
Anthony Molica, former executive director of the Washington State Lottery, was named by Gov. Davis to be director of California State Lottery, where he'll make $123,255 a year if confirmed. ... Former Republican Assm. **Scott Baugh** joined law firm Mayer, Brown, Rowe & Maw to work in its government practice team. Earlier this year, former Assembly Speaker **Robert Hertzberg** joined the same firm. ... **Charles Supple**, executive director of GoServ — the governor's commission on improving life through service — was appointed by Davis to the Youthful Offender Parole Board, where he'd make $99,693 if confirmed. ... Maj. Gen. **William Jefferds**, senior military adviser to the governor and former schoolteacher, was tapped by Davis to head the state department of general services. Jefferds will make $123,255 a year if confirmed. ... Davis appointed **Ronnie Caplane** — president of the Piedmont Unified School District — to the Workers' Compensation Appeals Bd. where she'll make $114,191 if confirmed. ... Davis also named **Kenneth Harrington**, who has served as a special assistant to S.F. Mayor Willie Brown since 2000, to be the court admin. for the Div. Of Workers' Comp. in the Dept. of Industrial Relations.

Who's filling what jobs in your office? Drop us a line at **people@californiajournal.com.**

Appointment:

Panetta to the rescue

You know there's trouble in the Capitol when a governor creates a bipartisan panel to look into California's flawed fiscal structure. Gray Davis is just the latest to go down that route, but the idea has been tried several times before — most recently was the Wilson-created California Constitutional Revision Commission, chaired by Bill Hauck. For his part, Davis named former congressman and Clinton chief-of-staff **Leon Panetta** to lead the panel in September. The only question — aside from who'll serve on the committee — is whether Panetta will use the same stationery as Hauck.


Leon Panetta

CLINT EASTWOOD:

California's best-known bureaucrat

By Claudia Buck

It was one of those classic moments when Hollywood stole the show. In September 1987, Pope John Paul II visited California, in part to bestow a papal blessing at the burial site of Father Junipero Serra, the 18th century Catholic priest who founded California's chain of missions. At an appearance in Monterey, a long line of political dignitaries lined up to greet the pontiff, starting with Congressman Leon Panetta and working on down the political ladder. Near the end of the receiving line was the mayor of Carmel, a position not exactly high up in the political pecking order.

As the pontiff moved slowly down the receiving line, greeting each political dignitary in turn, the throng of 300 press and photographers who'd gathered from around the world were restrained. Until, that is, the pope reached Clint Eastwood, Carmel's mayor. As the two paused for a greeting, the otherwise subdued press corps suddenly erupted into a frenzy of snapping cameras and whirling motor drives, as scores of reporters and photographers scrambled for a close-up of the historic moment.

Forget the members of Congress, the U.S. Senate, or even the state Legislature. What lit up the stage was when "Dirty Harry" shook hands with the Pope.

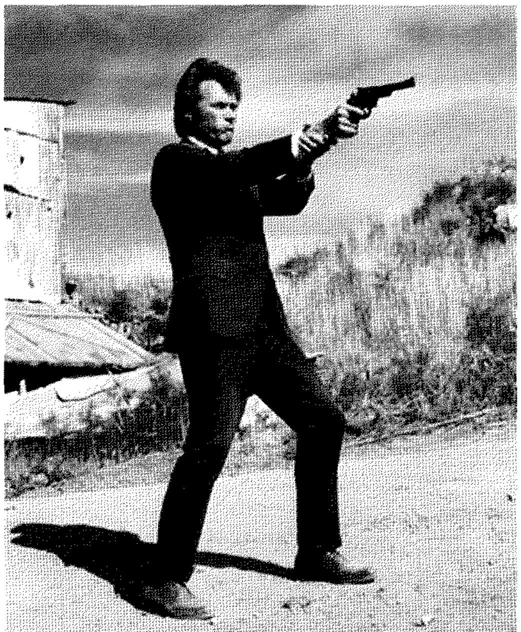
"That's who everyone wanted to see," said then-Assemblyman Rusty Areias, who was among the upstaged politicians standing in line that day. Areias says his friendship with Eastwood was cemented after a reporter joked that three of the world's most eligible bachelors — Areias, Eastwood and the Pope — had just met in California. That comment spawned a long-running joke — and friendship — between Areias and Eastwood that continues today.

After Areias became state parks director in 1999, he urged Governor Gray Davis to appoint Eastwood to the state Park and Recreation Commission, the nine-member advisory body that makes policy recommendations on use and development of the state's 277 park sites.

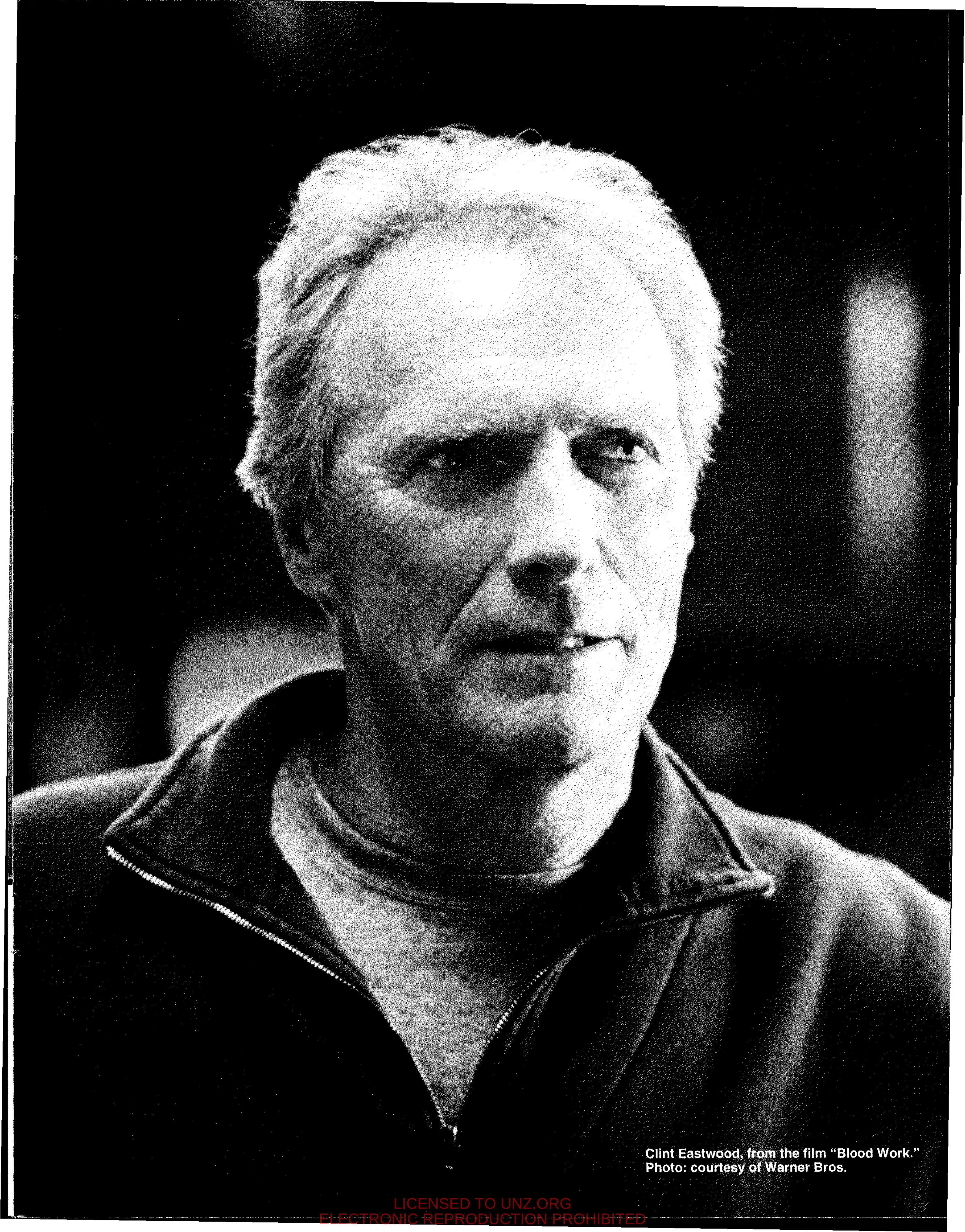
For Areias, Eastwood was "a natural": a businessman with an environmentalist's reputation and a history of involvement with state parks, beginning with public service TV spots he made during Governor Pete Wilson's tenure.

At the time, the state park system had more than $350 million in deferred maintenance projects and a long shopping list of parklands it wanted to protect and purchase, but there was no budget, and voters hadn't passed a parks bond measure in years. Areias figured that if he "could attract the very best qualified celebrity, someone like Clint Eastwood, the rest would take care of itself."

In some ways, that's just what happened. When Eastwood was appointed in November 2001, it made headlines statewide and beyond. When the Hollywood legend appeared on Jay Leno's late-night talk show, he was asked about his state parks job. Within a year, interested



Clint Eastwood, from the film "Dirty Harry."

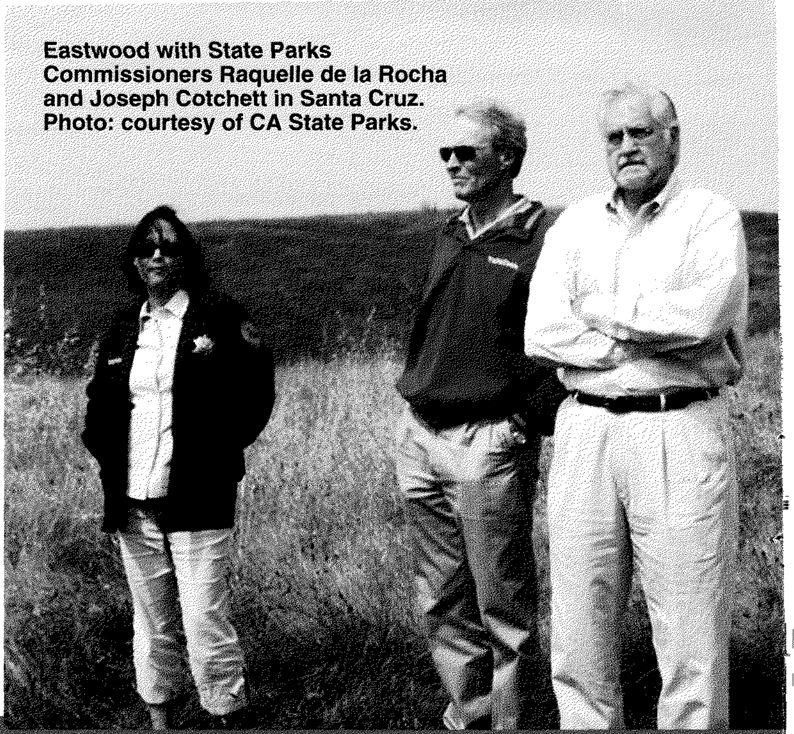


Clint Eastwood, from the film "Blood Work."
Photo: courtesy of Warner Bros.

applicants in state parks posts increased substantially, and voters passed a $2.6 billion bond for parks and open space in 2002.

"It was a good thing for morale that someone of his stature, someone with as many opportunities to do anything in life, would be willing to spend the time on state parks," said Areias, now a political consultant in Sacramento.

At a time when Arnold Schwarzenegger has elevated the stature of actors-turned-politicians to Humvee proportions, it's worth noting how other big-screen superstars perform on the political stage. Although Schwarzenegger has reportedly cited Clint Eastwood as one of his heroes, and Eastwood's name occasionally pops up in surveys on celebrities-best-suited-to-become-U.S.-president lists, Eastwood has never publicly indicated any interest in elected public office beyond the two years he served as Carmel's mayor in 1986-88.


Eastwood with State Parks Commissioners Raquelle de la Rocha and Joseph Cotchett in Santa Cruz. Photo: courtesy of CA State Parks.

> "There's a long history in this state of actors participating in state government. It's nothing new. Anybody should be able to participate."
>
> — Clint Eastwood

Appointed to an unexpired seat in November 2001, Eastwood has served just two years as a state parks commissioner. His current term expires in January.

It's not as though the veteran Hollywood actor/director/producer needs the work. Among his many business endeavors, Eastwood is a golf-course developer, an innkeeper, documentary TV producer and co-owner of a line of golf apparel. Not to mention his film production company, Malpaso Productions, named for a creek on one of his Carmel-area properties. His most recent film, "Mystic River," which he directed and for which he wrote some of the music, opens this month.

Unlike other notable actors who've taken the political stage, Eastwood appears to duck the political limelight rather than seek it out. His team of publicists runs fierce interference for its boss. In several phone calls requesting an interview, they were adamant that Eastwood was "not in an interview mode." A reporter was further warned: "Don't try to show up at the [commission] meeting and stick a microphone in his face. He won't talk to you."

Yet in person at the commission's most recent meeting in San Jose, Eastwood was amiable, affable and completely agreeable to being interviewed. In his best gunslinger style, he walked up, pointed his finger and commanded with a smile: "Shoot."

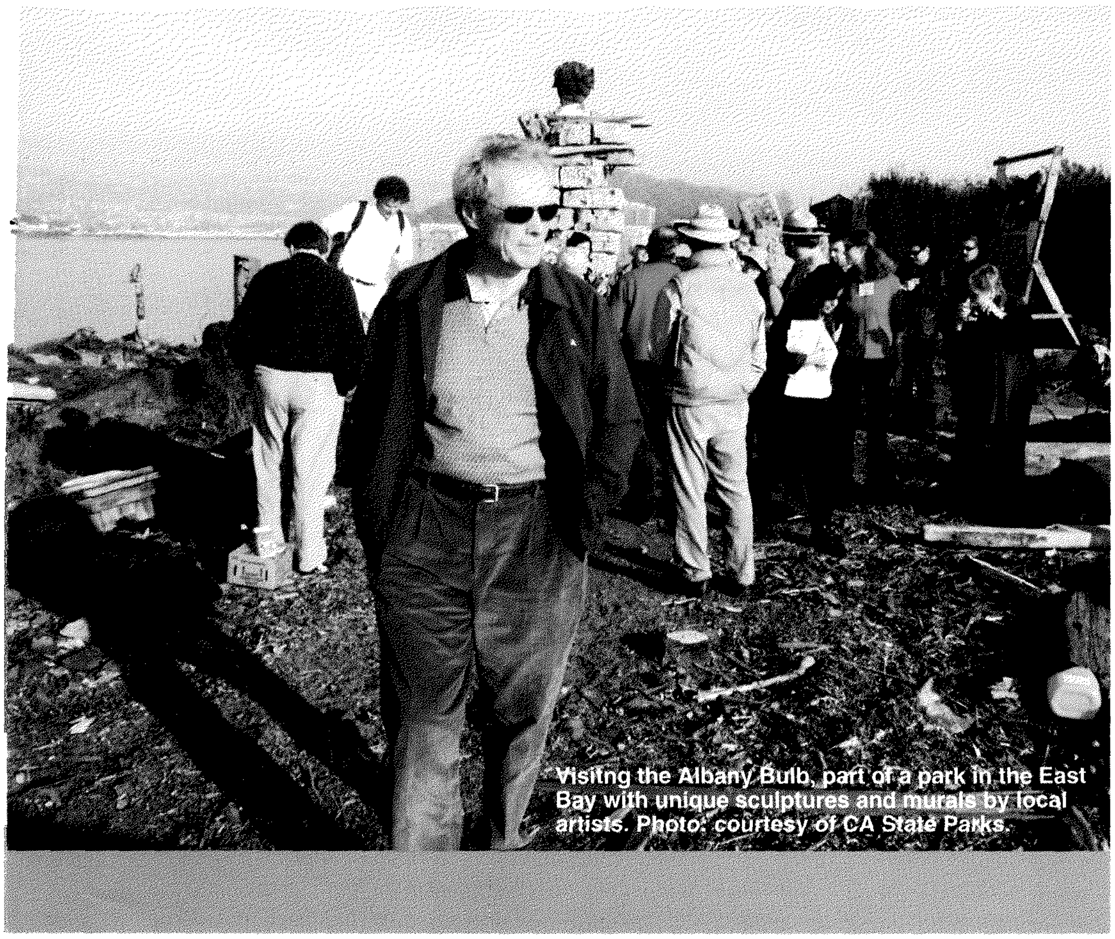
Nevertheless, like many of the terse-talking characters he's portrayed on the screen, Eastwood is a man of few words and succinct sentences.

Asked why he took the unpaid, voluntary post: "There's a long history in this state of actors participating in state government," he said, citing fellow actors George Murphy and Ronald Reagan. "It's nothing new. Anybody should be able to participate."

At 73, Eastwood still has the chiseled features and rugged good looks that are his trademark, although his face is softened with age and his windblown hair is gray, turning white. He's tanned and lean, a testament to his regular regimen of gym workouts and healthy eating.

Asked his assessment of state parks during the two years he's served, Eastwood said the experience has "actually increased my respect" for state parks, which he called an "incredible" resource for all Californians. When he was appointed in November 2001, he said his two goals were to promote park maintenance and parklands acquisition. Those still remain his priorities, although the state's current budget crisis, he noted, is making the situation even more difficult.

A lifelong Californian, Eastwood clearly has an affection for state parks that stems from his childhood, growing up in the East Bay. At the100th anniversary celebration of Big Basin Redwoods State Park, he noted that as a kid his grandmother often took him to gawk at the park's gigantic redwoods. When the commission approved Eastshore State Park, a 2,000-acre strip of mostly tidelands that hugs a stretch of I-80 between Berkeley and Oakland, Eastwood recalled when that corridor was a popular dragstrip in the 1940s, as well as a dumpsite for burning tires. When the commission met at Crystal Cove, historic beach colony in Southern California, Eastwood remembered visiting there with a girlfriend in the '50s during his Los Angeles City College days.


Visiting the Albany Bulb, part of a park in the East Bay with unique sculptures and murals by local artists. Photo: courtesy of CA State Parks.

Living in Monterey County, home to nearly 20 state parks, Eastwood has always had strong ties to the land, both public and private. He's had extensive land holdings over the years, some of which he has developed and some of which he has donated to conservancies for parklands or open space preservation.

In an interview earlier this year in *The New Yorker*, Eastwood said "I never bought any real estate I didn't really like ... When everybody was going crazy with stocks and investments ... I stayed with the land. I like the tangible. I like to enjoy things, and I enjoy this land."

By most accounts, in his starring role as a commissioner, Eastwood is a regular guy. If a commission meeting is within driving distance of his Pebble Beach home, he drives there himself in an older model Mercedes or Chevy Blazer, with no entourage or security in tow. On occasion, he's brought along his wife, 37-year-old Dina Ruiz Eastwood, a former Monterey County TV news anchor, and the couple's 6-year-old daughter, Morgan. (Eastwood also has six other children from his first marriage and other relationships, ranging in age from nine to 38.)

"His persona is not glitzy. It's not Hollywood," says fellow commissioner Paul Junger Witt, himself a Hollywood TV and film producer ("Insomnia," "Dead Poets Society"). "Clint Eastwood has a remarkable ability to not outshine the business at hand. With him, it's not about celebrity. He's about a Californian serving his state."

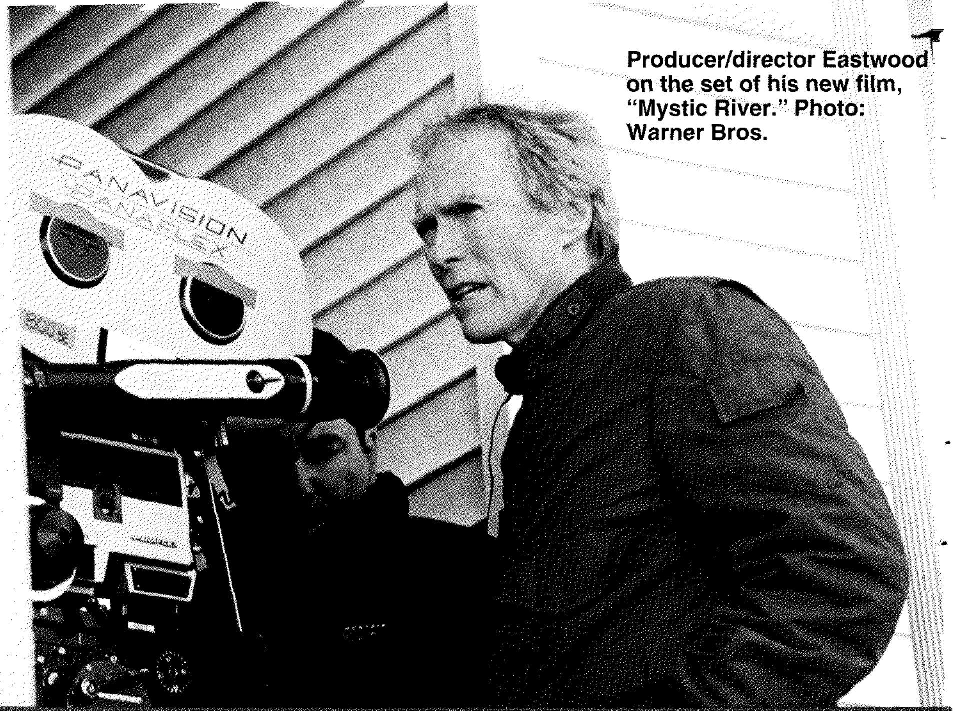
It's certainly not about the money.

Unlike other political appointments that guarantee a hefty paycheck, a seat on the state Park and Recreation Commission pays no salary. Commissioners meet roughly three or four times a year, convening in cities close to various state park sites, anywhere from Palm Desert to Berkeley. They spend one day touring the park sites on their agenda and the next day conducting their meetings, usually held in county government offices or similar public settings. In preparation, they are expected to wade through pounds of paperwork containing environmental reports, general plan updates and staff recommendations. They weigh in on issues ranging from whether distilled spirits can be sold at a Pismo State Beach restaurant to whether dogs should be allowed to run off-leash on certain Santa Cruz beaches.

All are appointed by the governor and serve four-year terms.

Ironically, although Eastwood is assuredly the commission's biggest box-office name, he's not the only one with celebrity ties. Commisioner Caryl Hart, an attorney and environmental activist in Sonoma County, is married to former Grateful Dead drummer Mickey Hart and, with the couple's 10-year-old daughter, often tours with "The Dead" during its summer concert series. Commissioner Robert Sargent Shriver III, a Southern California film producer and attorney, is the brother of Maria Shriver, which makes him Arnold Schwarzenegger's brother-in-law. Commissioner Paul Junger Witt is a longtime Hollywood producer with a lengthy list of TV and film credits to his name. Also on the commission is Raquelle de la Rocha, a Van Nuys labor law attorney. Three seats on the commission remain unfilled.

When Eastwood was appointed, some of his fellow



Producer/director Eastwood on the set of his new film, "Mystic River." Photo: Warner Bros.

commissioners admit they had their doubts that a millionaire movie star and Republican businessman would take the job seriously. But even those who were skeptical of Eastwood's appointment have been bowled over— not by his charm, but by his willingness to do the work. "I'm a Democrat. He's a Republican. I would love to tell you he's just another tough-looking face on the commission," said commissioner Joseph Cotchett, a high-powered Democratic trial attorney in San Francisco who was the commission's chair when Eastwood came on board. "To be candid, when he was appointed, that's what I expected. I really wondered how hard he would be willing to work."

> **"That someone so famous is willing to give up so much of his time sends a huge message to state park workers and to the public about the value of our state parks."**
> **— Caryl Hart, Parks Commission chairwoman**

Instead, Cotchett said he was "absolutely blown away" by Eastwood's commitment. "This guy reads *everything*. He's dedicated, he's devoted and more importantly, he asks tremendous questions. He has an ability to wade through reams of technical material and get to the pragmatics of a situation... . He did not take this job for show. He's the real McCoy."

The commission's current chair, Caryl Hart, an environmentalist and liberal Democrat, said she also doubted Eastwood's sincerity but says Dirty Harry has more than proven himself. "You'd never know he was the mega-star that he is," says Hart. "He doesn't stay at the Ritz-Carlton. He stays in the same convention-type hotels we do. He eats in the same crummy restaurants. He goes on all the tours. He's there for the 7:30 a.m. meetings," which can't be said of all commissioners, she added.

State Parks Director Ruth Coleman, who took office when Areias left to run unsuccessfully for a state Senate seat in 2002, said Eastwood is "supremely qualified" for the job. She and other commissioners noted that Eastwood's experience as a city mayor gave him built-in expertise with the intricacies of EIRs (environmental impact reports), local planning procedures and the like. "He had a much shorter learning curve than the rest of us," said Witt.

Since becoming a parks commissioner, Eastwood has donated his time for TV spots promoting state tourism and appeared in radio and TV ads celebrating the 100th anniversary of Big Basin, California's oldest state park. When the nonprofit California State Parks Foundation held its annual fund-raiser earlier this year, Hart said Eastwood was "the first to chime in" and personally contribute $5,000.

"You can't measure the value of what he does," said Hart. "That someone so famous is willing to give up so much of his time sends a huge message to state park workers and to the public about the value of our state parks."

Rather than commanding center stage, Eastwood appears to avoid attracting attention to himself. At the commission's most recent meeting in San Jose, Eastwood, in gray Nike running shoes, cotton slacks, a zippered khaki jacket and a purple/teal tie covered in seabirds, could have been almost any gentleman in casual-Friday attire. Except that, even engaged quietly in conversation in a busy hallway, people notice him. "Hey," said a young county employee, stopping mid-stride to hail Eastwood. "Just wanted to tell you, I've played your golf course in Pebble Beach. Loved it."

Those who have worked with him in state parks say he's always the same. Roy Stearns, state parks communications director, says the Hollywood legend "talks to anybody and everybody just easily. But he's not just chatting. He's asking questions to get information and a sense of the real issues, not just the stuff that's fed to the commission by staff. He knows how to ask questions that get to the heart of it."

But others don't take his environmental credentials at face-value. Mark Massara, the Sierra Club's coastal programs director, contends Eastwood is simply using his seat on the state parks commission as a "green veneer" for when he and his Pebble Beach Company partners go before the state Coastal Commission, possibly early next year, with their proposal for an eighth golf course and other development in the Del Monte Forest area of Pebble Beach.

"They want to build a golf course in some of the world's most sensitive habitats," said Massara, who said the proposed development would require "cutting down tens of thousands of Monterey pine trees" and result in further destruction of wetlands.

The Pebble Beach Company, which was purchased in the late 1990s by a group headed by Eastwood, golf legend Arnold Palmer and former baseball commissioner Peter Ueberroth, among others, owns the famous string of championship golf courses along 17-Mile Drive in Pebble Beach. Its latest proposal, which was approved conceptually by Monterey County voters in November 2000, would add an 18-hole golf course, 100 more guest rooms, 33 new single-family lots and about 60 employee housing units in a section of the Del Monte Forest. The project, which requires approval from the California Coastal Commission, is currently undergoing an environmental impact review by Monterey County planners.

During the recent political wrangling over the Coastal Commission's next chair, Eastwood's Pebble Beach Company proposal was cited as a possible beneficiary of a more pro-development chairperson.

Eastwood wastes no words in answering Massara's charge: "He's full of crap." According to Eastwood, the stands of Monterey pines are susceptible to beetle infestation and have outlived their normal life expectancy. "Those forests are dying out. They've reached their natural life span. And we've already stated that we'll plant six new trees for every one we have to remove." Accusing Massara of recklessly slinging labels, Eastwood calls himself a "conservationist, not a developer" who has significantly reduced the density of various properties he's held, including his Mission Ranch Inn, an 1850s dairy site that was originally slated for condo units before Eastwood bought and restored it as a restaurant and cottages.

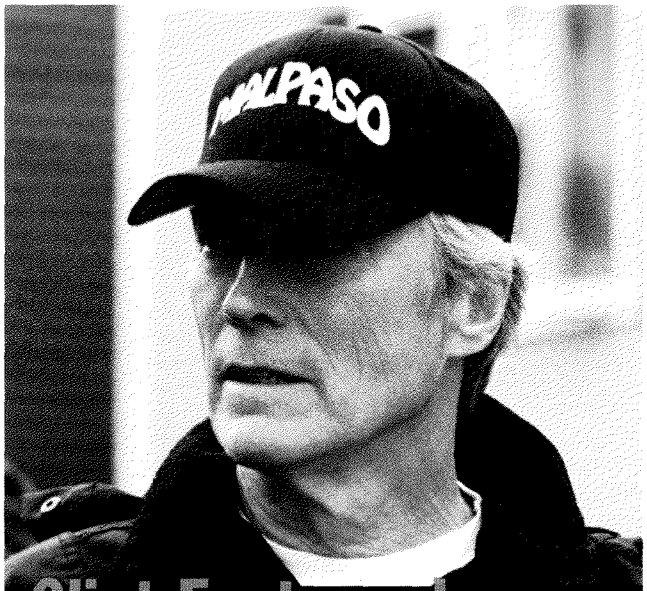
Ever the shrewd businessman, Eastwood manages to straddle the political divide. During his tenure as a commissioner, he generally has tended to side with recommendations of state parks staff. "He's an astute businessman, but I've never seen him come down on the side of business when it goes against the position of [state parks] staff," said Cotchett.

Although he has been a registered Republican, Eastwood has plenty of pals on the Democratic side, including Areias and Senate President pro Tem John Burton. He has held fund-raisers for Governor Davis at his private Tehama Country Club in Carmel Valley because, he said, his wife has been a longtime supporter of the governor. Asked about his political leanings, Eastwood only smiled: "I vote like an independent."

Whether he'll be re-appointed when his term expires in January 2004 is anyone's guess, given the uncertainty of who will be in the governor's seat next year. Amber Pasricha, a spokeswoman for Davis, said Eastwood's reappointment will be handled routinely just like any other appointee: his attendance record, his interest in serving a second term and the list of applicants, if any, seeking his seat will all be taken into consideration. According to Pasricha, "They'll look at his record and decide if he's still the best candidate for the job."

Asked whether he's interested in continuing past his January 2004 term, Eastwood was as tight-lipped as ever: "Come December 31, I'll consider it."

Claudia Buck is a California Journal *contributing editor. Send to* **comments@californiajournal.com**



Clint Eastwood

PERSONAL:

Born May 31, 1930, in San Francisco
Married, seven children and two grandchildren

OCCUPATION:

Actor, director, producer, composer, former mayor of Carmel

AWARDS INCLUDE:

Two Oscars, three Golden Globes, the American Film Institute's Life Achievement Award

Photo: courtesy of Warner Bros.

d.c. perspective

Downscale housing

by Dana Wilkie

Think a chicken coop might make a good bed tonight? How about an old gas chamber? Or an empty swimming pool?

Washington seems to think so.

Or, at least, one might assume that's what Washington thinks if one were to glance any given week at the *Federal Register*. This is the place where the U.S. Housing and Urban Development Department publishes a list of property that federal agencies are ready to destroy. The places are often old, run-down, contaminated — and entirely unfit for human habitation.

Nonetheless, federal law requires the properties be advertised so the homeless have a chance to use them. Alaskan igloos. Dog kennels. Horse stables. Concrete bunkers. Rickety bridges.

What is this law? It's the 16-year-old McKinney Act, a well-intentioned piece of legislation that has surely launched one of the more wasteful programs in Washington. Despite extensive paperwork and considerable staff time, the realities of the law make it difficult-to-impossible for homeless advocates to inherit even those places that might make good shelters.

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"Any property that goes to the homeless is helpful," said one HUD official who asked not to be named. "But when you look at the number of properties being published, and the number that can't be used, it just doesn't add up."

Before federal agencies demolish property, they send HUD a six-page form describing it. HUD then advertises the property in the *Register*. In September, HUD was advertising more than 7,000 properties across the nation for homeless use. That represents at least 42,000 pages of paperwork and an untold amount of staff time. Yet in the past year, Washington received only 15 applications for these properties and approved five. Applications are typically rejected when a group lacks the reputation, money or nonprofit standing to run a shelter.

"In the 10 years I've worked here, I've only had one phone call from a homeless organization interested in property," said Esther Ewell, the Navy real estate expert who lists "surplus" military property in Southern California, Arizona, and parts of New Mexico and Nevada. "We were getting rid of some buildings at a golf course, and I told [a group that had seen the listing] if they had a way of transferring [the buildings] off base, we could work on it. I never heard back from them."

In fact, the vast majority of property that HUD advertises belongs to the Defense Department. While the property is technically "free" to homeless groups, the cost to repair and move it off base — necessary for security reasons — is usually more than a homeless group can afford.

"As a practical matter, this is an expensive undertaking," said HUD spokesman Brian Sullivan. "Considering the costs involved, not to mention the extensive rehab to bring [buildings] up to code, it's simply not cost-effective."

Some military property does benefit the homeless. In California, for instance, the homeless are using 14 properties on six former military installations. Much of it, however, was acquired nearly a decade ago, before Congress — under pressure from cities and counties that wanted more say in using closed bases — passed the Base Closure and Homeless Assistance Act. Some believe the act gave the homeless less of a priority when competing for federal property.

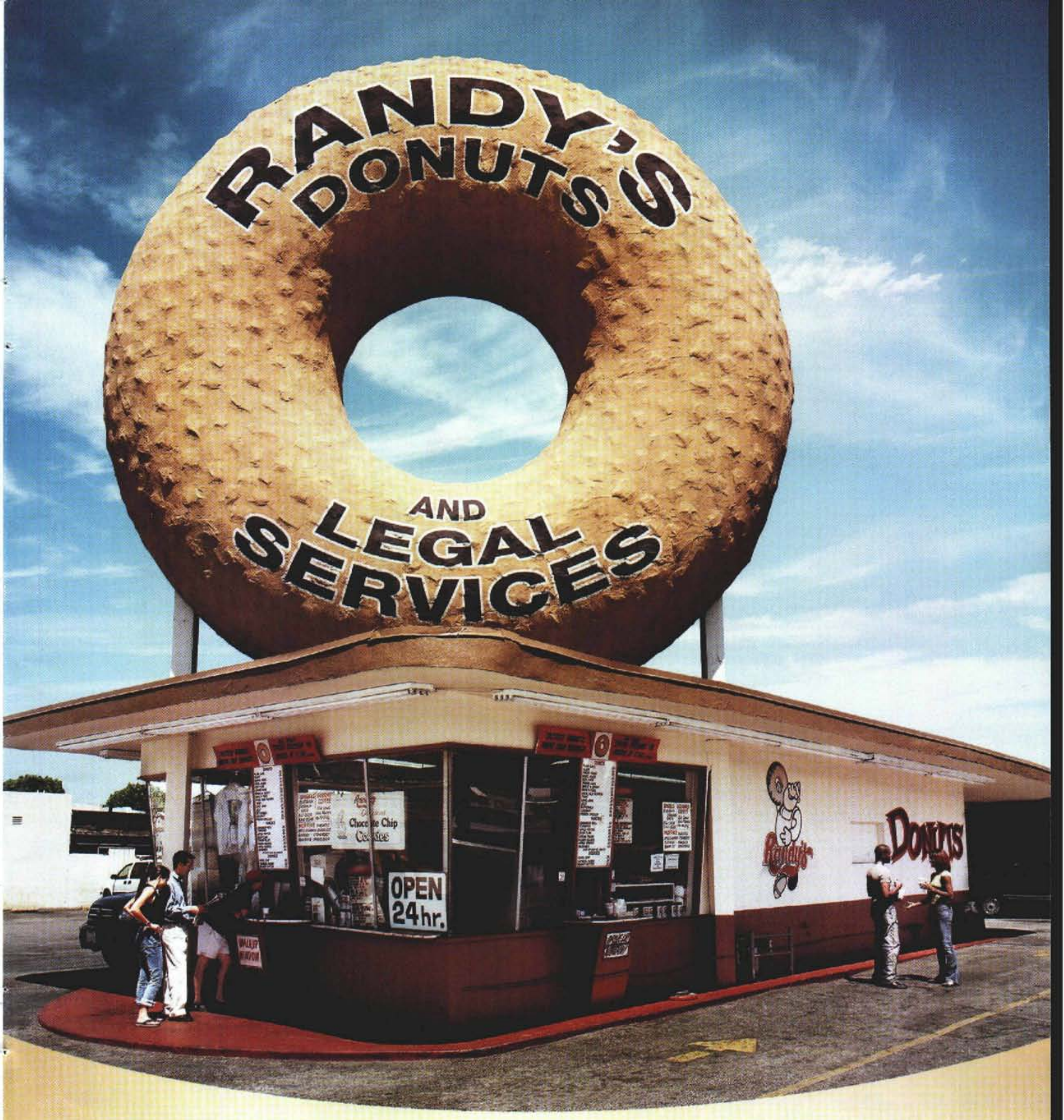
HUD-advertised property is easier to get if it belongs to agencies such as Veterans Affairs or the Interior Department. Still, even this property usually requires major renovations, and homeless groups typically don't win it without a struggle. In 1992 in Los Angeles, a group called New Directions opened a 200-bed shelter at a former VA building. But it took several court battles and an act of Congress to secure the property, which lies in upscale west Los Angeles.

Efforts to change the law — to cut down on the paperwork, for instance, or allow agencies to ignore properties obviously not suited to living quarters — are often beaten back by homeless advocates who want full access to Washington's inventory of surplus property. Laurel Weir, deputy director of the National Law Center on Homelessness and Poverty, said the McKinney Act has helped house as many as 30,000 people at hundreds of properties across the country.

"For the groups that do get this property, it's very valuable, particularly as the cost of land rises," she said. "That [represents] a lot of money."

Understandably, advocates are leery of tinkering with programs that give beds and roofs to those who need them. But if federal officials are spending considerable time and money on property that hasn't a prayer of helping the homeless, a little tinkering may be in order.

Dana Wilkie is a Washington, D.C., correspondent for Copley Newspapers. Please send comments to **comments@californiajournal.com**



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